

MINUTES

LEGISLATIVE MEETING – MAY 17, 2023

The May 17, 2023 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:04 P.M. by President Jon G. Wilt.

Roll call was taken, with the following officials in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Zachary Border, Manager
- Jean R. Arroyo, Secretary
- Michael McAuliffe Miller, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Richard Snyder, Planning and Zoning Coordinator
- Scott Washinger, Public Works Director
- Dominic Visconti, Chief of Police

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

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

PUBLIC COMMENT:

Linda Raphael, 62 Wayne Avenue, inquired about the status of the potential buyout of homes in her neighborhood. Mr. Fabian explained that staff had a follow-up discussion with PEMA regarding the next steps of the process. PEMA was not, however, willing to commit to any type of timeline. Mr. Border explained that PEMA is basically doing the legwork to obtain all the paperwork, but FEMA will be responsible for the technical review. Ms. Raphael asked if it is correct that there are two separate grants involved, so the Township itself will not need to contribute to the buyout. Mr. Border stated that during the process, he has not heard anything about the need for the Township to provide any funding. Ms. Raphael thanked the Board for the information.

Request from Middletown Twins to use baseball field at Memorial Park

Solicitor Miller observed that Senator Rothman is in the audience to address agenda item 11.0 on the agenda. He suggested the Board move up discussion on this item. Senator Rothman stated he is here tonight not as a state senator but as a player for the Twins, an over-40 baseball league which has used Little Hollywood fields for at least six years. He stated that he has the completed application and required insurance for use of the field on six dates: July 30, August 6, August 20, September 10, September 17, and October 1. He assured the Township that the group will take care of the fields. Senator Rothman added that the team had been paying a fee to the association and will pay whatever is required by the Township. The team has also used the lighting at the field when night games were necessary. Commissioner DeHart asked if this schedule has been confirmed with the Lower Swatara Athletic Association to make sure there are no conflicts. Commissioner Paul agreed contact should be made with LSTAA. Senator Rothman agreed to do so. Commissioner DeHart added that the Board is in the process of changing the rules and regulations in the parks. Senator Rothman confirmed that he was informed of this and will adhere to the new regulations and fees. Vice President Truntz explained the Board had not been aware of the history of the use by the Twins, although this Board is the body that should have given that approval. He stated the initial approach by one of the representatives of this group was not a positive one, which was why it was met with some hesitancy from the Board. President Wilt referenced comments about use of the lights, and stated there would need to be fees paid for this expense. Mr. Rothman stated that they had paid fees in the past; they were charged \$25 for a day game and \$50 a night game when lighting was utilized. President Wilt stated that apparently the fees were not forwarded to the Township. Any fees paid for use of the lighting would need to go directly to the Township.

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the request from the Middletown Twins to use the baseball field at Memorial Park on the dates requested, subject to the dates being available and subject to the rules and regulations and fees as amended. The motion was unanimously approved.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the May 3, 2023 Workshop Meeting. The motion was unanimously approved.

PAYMENT OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the Payment of Bills – Warrant No. 2023-04. The motion was unanimously approved.

TREASURER'S REPORT:

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the Treasurer's Report for April 2023. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Activity Report

Chief Visconti provided a summary of the monthly statistics for April. There were 10 Part I crimes, 18 Part II crimes, 355 calls for service, 1 DUI arrest, 14 traffic citations, 2 non-traffic citations, and 17 warnings. There were 19 motor vehicle accidents, 5,709 patrol miles driven, 114 foot patrol minutes and 90 foot patrol minutes on the School District properties. There were 354.75 total overtime hours, and 24 total training hours. Chief Visconti explained that co-responder stats will be made available to the Board next month.

In response to a question from Commissioner DeHart, Chief Visconti reported there are still some issues with the modem for the new police vehicle, so the vehicle is not yet in service.

Fire Department

Chief Phillips presented the Fire Department's monthly statistics for the month. During the month of April there were 69 total calls. Mutual aid was provided to Conoy Twp. (1), Derry Twp. (3), Harrisburg City (1), HIA (1), Highspire Borough (2), Middle Paxton Twp. (1), Middletown Borough (3), PA Turnpike (3), South Hanover Twp. (2), Steelton Borough (6), and Swatara Twp. (12). This equates to 35 calls for mutual aid and 34 calls in the Township. Commissioner DeHart remarked that Swatara Township lost a vehicle in an accident, which will

result in more calls for Lower Swatara. Commissioner Davies observed the call volume in April went up significantly. Chief Phillips agreed it went up about 50% -- it was simply an odd month but is now back down to normal volume.

ENGINEER'S REPORT:

Mr. Fabian reported that coordination is being made with interested parties to set up a ribbon cutting ceremony for the Fulling Mill Boat Launch.

Staff is working through finalization of the contract for the Bryn Gweled Infrastructure Replacement Design and Permitting in order to prepare a Notice to Proceed. It appears that Veolia will be starting its waterline replacement project by the end of May 2023. Mr. Fabian added that he provided some wording for the Township's website to notify residents of this upcoming work. Updates will be added as they are received from Veolia.

The contractor for the Hanover St./Meade Ave. Stormsewer Outfall Repairs Project is executing the contract paperwork on their end.

The PCSM design for the Richard L. Shireman Park was finalized and the cost estimates prepared. The erosion and sedimentation plans and the NPDES permit are now being prepared for the site.

There is no schedule update for the 2022 Paving Project, but review was finalized and approved for the revised ADA ramp. The punch list remains to be addressed before the contract can be closed out and final payment can be processed. Commissioner DeHart asked if there are some areas that still need to be repaved. He observed the contractor missed a whole section of Briarcreek. Mr. Fabian agreed there are several sections which need attention and are on the punch list, as well as some cracking that occurred over the winter on one of the ADA ramps.

An internal kick-off meeting was held to discuss Nissley and Spring Garden and the connection into the Woodridge projects. There will not be a lot of surveying needed to be able to tie into that basin but there will be some field survey necessary. After that is obtained, it should not take much time to finalize the design and prepare it for bid.

Commissioner Davies referenced the Bryn Gweled work and the Veolia waterline replacement. He asked if Veolia notifies residents of their work. Mr. Fabian explained they should be doing the notifications to impacted residents since it is their project. Vice President Truntz asked that it be confirmed that residents are notified ahead of time. Commissioner DeHart agreed that

both the water company and Township should provide notification. Mr. Fabian stated he will follow up with Veolia to make them aware of the expectations.

Vice President Truntz asked for a rough idea on when paving will start in Bryn Gweled. Mr. Fabian explained there were delays in the schedule, but it was expected that everything would be paved and substantially complete by September 29 and then ready for final by October 16. Commissioner Paul asked if the sanitary sewer connection on Lumber from the development will be done. Mr. Fabian confirmed that it will, along with a number of manhole connections. Commissioner Paul asked if this will happen over the next two weeks. Mr. Fabian explained there were no milestones set within the contract. Commissioner Paul stated is important that this doesn't interfere with the Bryn Gweled work. Mr. Fabian noted he expects to schedule a preconstruction meeting in the next couple of weeks and can solidify some of these details and have an actual schedule in-hand. Commissioner DeHart asked if the sewer connection for the Penn Preserve tie-in will be done when Bryn Gweled is done or when the water company is over there. Commissioner Paul stated this is his concern. It is important to make sure there is not a conflict between these projects. Mr. Washinger recalled the closing for the Penn Preserve work is June 8 or 9; he agreed to follow up with Caleb Krauter, the Authority's engineer. Commissioner DeHart stated that with the water company coming in at the end of May, there certainly seems to be conflict. Coordination is essential.

Commissioner DeHart asked the timeline on the new salt shed. Mr. Border responded that the grant paperwork was just received. President Wilt will be signing the paperwork tomorrow. Commissioner DeHart commented that this is for half the costs, so the Township will still need to come up with the other half. Mr. Fabian added that HRG has a professional geologist on staff, and he will be working with him to get insight regarding placement of the shed on the site.

MANAGER'S REPORT:

Mr. Border reported that an employee's probationary period is going to be extended until September. He asked for Board endorsement of this action. The Board expressed no objection to this action.

Brian Davis had previously reported on plans to hold a stormwater workshop for the public. Staff is looking at June 29 at 6:00 P.M. at the Fire Department.

Future Meetings/Events:

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|--------|---|---------------------------------------|
| May 22 | 7 PM | Municipal Authority Mtg. |
| May 24 | 7 PM | Zoning Hearing Board |
| May 25 | 7 PM | Planning Commission Mtg. |
| My 29 | MEMORIAL DAY HOLIDAY – Twp Offices Closed | |
| June 7 | 7 PM | Board of Commissioners' Workshop Mtg. |

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – none

Budget and Finance Committee: Commissioner Davies – none

Public Works Committee: Vice President Truntz reported that the crew is busy with mowing in right of ways. Mr. Washinger noted that Acer Paving will be paving the Shopes Garden basketball court tomorrow. He also advised the Board that the crew removed all the cattails from the Shopes Garden raingarden and mulched the entire area. Mr. Davis will then follow up with plantings. Commissioner Paul stated he is aware that the crew is busy with mowing, but asked if they can crack seal and do some more patching. Mr. Washinger stated this can be done when the weather gets warmer. Vice President Truntz asked if anything had been done yet to improve the portion of the Fire Department parking lot where the dumpsters are located. Mr. Washinger responded he is still waiting to hear back from the Fire Department regarding what they would like done.

Community Development: Commissioner DeHart referenced the Life Lion EMS activity report that was provided to the Board. They are also quite busy and trending higher. For the month of April, there were 80 total LLEMS calls handled in Lower Swatara, 57 total monthly calls Lower Swatara units handled in other municipalities, and 22 Lower Swatara calls handled by other LLEMS units. Vice President Truntz added he believes that Life Lion EMS' lease of the fire station is up this fall. Commissioner DeHart remarked that the EMS contract is also up soon. Since they changed managers, it would be good to meet soon. Commissioner DeHart also reported that he will be attending an IT meeting here on Monday.

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS:

Capital Valley Business Park

Solicitor Miller stated his understanding that the Capital Valley Business Park plan is not ready for action. A motion was made by Commissioner Paul, seconded by Commissioner Davies, to table two waive requests associated with PC#2022-06 Capital Valley Business Park – Lot 3 & Lot 4: (1) approval of the waiver request relative to Section 22-404.A.1 – Preliminary Plan, and (2) deferral of the waiver request relative to Section 22-607.C – Sidewalks and to also table the Final Subdivision & Land Development Plan for Capital Valley Business Park – Lot 3 & Lot 4, PC#2022-06. The motion was unanimously approved.

Commissioner Paul stated he knows there was a lot of interest in landscaping on these projects. He suggested staff talk to the developers and make sure they understand the more green area --- arborvitae and pine trees -- along the back edge of the macadam area, the better. This was talked about with the building across the street. Arborvitae was supposed to be placed along the back edge of the macadam, but they only planted a dozen trees. Commissioner DeHart added he would also suggest sidewalk on the one side of Kreider Drive. After the Township originally approved the first two buildings, the developer had promised to put sidewalk on the other side. Solicitor Miller stated he understands that there is a note on the plan that says the developer will install sidewalks within six months of the Township requesting them. Commissioner DeHart stated that Minutes do reflect that they promised to put them in, and he simply wants to hold them to this promise. Solicitor Miller added that when this is ready for Board action, the motion would actually be a deferral of the waiver, not a waiver.

NEW BUSINESS:

Fox Subdivision

The Board discussed the Final Minor Subdivision Plan for the Fox Subdivision and five waiver requests associated with this plan: Section 22-404 – Preliminary Plat Specifications; Section 22-403.1.A.2 – Plan Size; Section 22-403.1.A.2.e – Plan Scale; Section 22-607 – Sidewalks; and Section 22-502.8 – Sight Distance. Solicitor Miller clarified that the requested waiver of Section 22-607 – Sidewalks should be a deferral. Commissioner Paul commented that his recollection is the requirement for sidewalks and curbing comes strictly out of the subdivision and land development ordinance and ties in with curbs and sidewalks being within a certain

distance from the project. His recollection is that number is 600'. He asked if the project is not within 600' of the existing curb and sidewalk, does it still need a deferral or can it be waived. Solicitor Miller stated he still believes it should be a deferral in the event that the standards are changed or if there is an issue later. He added that in the case of this particular project, his preference is a deferral. Solicitor Miller commented that besides these five requests, he believes an easement for the driveway needs to be included on the plan for driveway access.

Cody Jones, Burget & Associates, explained this plan proposes to create a new 2.020 acre building lot and is located along Longview Drive. Mr. Fabian added he has no outstanding comments on the plan. Mr. Snyder stated he is satisfied with the plan but will need a copy of the formal easement for recording purposes.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the following four waiver requests and one deferral associated with the Fox Subdivision: waiver of Section 22-404 – Preliminary Plat Specifications; waiver of Section 22-403.1.A.2 – Plan Size; waiver of Section 22-403.1.A.2.e – Plan Scale; deferral of Section 22-607 – Sidewalks; and waiver of Section 22-502.8 – Sight Distance. The motion was unanimously approved.

A motion was then made by Commissioner Davies, seconded by Commissioner Paul, to approve the Final Minor Subdivision Plan for the Fox Subdivision which proposes to create a new 2.020 acre building lot. The Planning Commission recommended approval of the plan with stipulations. The motion was unanimously approved.

Resolution No. 2023-R-6 re: disposition of enumerated records

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Resolution No. 2023-R-6 authorizing the disposition of certain enumerated records. The motion was unanimously approved.

Resolution No. 2023-R-7 re: procurement cards

Solicitor Miller referenced Resolution No. 2023-R-7 authorizing the issuance of individual procurement cards and stated his understanding that the Board would like to have staff look into another source bank for these cards. He recommended the Board table this while management seeks another issuing bank. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to table Resolution No. 2023-R-7 authorizing the issuance of individual procurement cards. The motion was unanimously approved.

Resolution No. 2023-R-8 re: disposition of property under \$2,000

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve Resolution No. 2023-R-8 for the disposition of personal property of the Township worth less than \$2,000.00. Solicitor Miller explained this resolution allows the Township to dispose of these items without going to auction or advertisement. The motion was unanimously approved.

Advertisement of Ordinance Amending Chapter 15, Parks and Recreation

The Board discussed authorization to advertise an ordinance amending Chapter 16 (Parks and Recreation), Part 1 (Conduct in Parks and Playgrounds), Section 16-102 (Rules and Regulations) to repeal the codified rules and regulations and provide for the promulgation of rule and regulations by the Board of Commissioners. Vice President Truntz commented that there was discussion about the definition of “Township Office” in paragraph 4. He asked if the ordinance could be advertised subject to defining the Township Office or perhaps changing it to “Township Manager”. Solicitor Miller confirmed that it can be advertised as is since changing the wording from Township Office to Township Manager is a de minimis change. He recommended the Board approve the advertisement, and this de minimis change will be made. A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve authorization to advertise an ordinance amending Chapter 16 (Parks and Recreation), Part 1 (Conduct in Parks and Playgrounds), Section 16-102 (Rules and Regulations) to repeal the codified rules and regulations and provide for the promulgation of rule and regulations by the Board of Commissioners. The motion was unanimously approved.

Resolution No. 2023-R-9 Adopting Rules and Regs in Parks and Setting Rental Fees

Solicitor Miller addressed proposed Resolution No. 2023-R-9, adopting rules and regulations governing conduct in Township parks and setting rental fees. There was some discussion about amending Chapter 3, Subsection 7, to state that athletic fields may be rented per day for a fee of \$300 instead of \$500, which would align it with Subsection 9. Commissioner Paul suggested this resolution be tabled in order for the Board to look at it again. A motion was made by Commissioner Paul, seconded by Vice President Truntz, to table Resolution No. 2023-R-9 adopting rules and regulations governing conduct in Township parks and setting rental fees. The motion was unanimously approved.

Application for Payment #3 to Flyway Excavating for Fulling Mill Rd. Boat Launch

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve Application for Payment No. 3, in the amount of \$87,223.03, to Flyway Excavating, Inc. for the Fulling Mill Road Boat Launch Project. The motion was unanimously approved.

Retainer Agreements w/HRG for Roadway RoadBotics

The Board discussed a Retainer Agreement Project Assignment with HRG for use of a Roadway RoadBotics Scan in a lump sum amount of \$12,000. Mr. Fabian explained this is a newer technique that produces the same, if not better, information for a substantially lower fee. The last scan of the roads was done in 2017. Commissioner DeHart asked if this is easier than just driving the roads once or twice a year and looking at them. The Township already knows which roads are bad so it may not be worth the expense. Mr. Fabian explained that there is substantial value in an unbiased review such as this and prevents criticism received from the human component of visually looking at a roadway. Vice President Truntz stated he feels there are enough bad roads already identified to keep the Township busy for the next few years. These should be addressed first, and then the Township can look at new projects using newer technology, fresher data, and at potentially a lower price. Commissioner Paul agreed, and stated he feels it is still important to go out and look at the roads; the human element is important. He stated that he cannot support this, as he does not see the benefit at this time. Commissioner DeHart added that this might be another tool for the toolbox later, but right now the Township is aware of which roads need fixed.

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to reject a Retainer Agreement Project Assignment with HRG for use of a Roadway RoadBotics Scan in a lump sum amount of \$12,000. The motion was unanimously approved.

Retainer Agreement w/HRG for GIS Support

Mr. Fabian presented a Retainer Agreement Project Assignment with HRG to provide as-needed GIS support as requested by the Township and as new land development project data is received. The work will be performed on an hourly basis with an estimated fee of \$5,000 plus reimbursables (expense, consultant). Commissioner DeHart stated he supports this, since the Township does need to update its GIS. Mr. Snyder added this will also be very useful to the Public Works, Planning & Zoning Department, and MS4 Departments.

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve a Retainer Agreement Project Assignment with HRG to provide as-needed GIS support as requested

by the Township and as new land development project data is received. The motion was unanimously approved.

Time and Labor Management Proposal with Prime Point LLC

Mr. Border presented a Time and Labor Management Proposal with Prime Point LLC. This will allow the staff to go from paper time off requests to a computerized approval system and timesheet. Mr. Border stated the department heads are supportive of this. In response to a question from Commissioner Davies, Mr. Washinger confirmed that the Public Works Department staff does have access to a computer terminal to enter their information. A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve a Time and Labor Management Proposal with Prime Point LLC in the amount of \$2,706 annually plus a one-time set up fee of \$800. The motion was unanimously approved.

Movement of funds from Mid-Penn Bank to Members First Credit Union

The Board discussed moving \$5,000,000 from Mid-Penn Bank to Members First Credit Union. Mr. Border explained that presently, all funds are in Mid-Penn. The desire is to spread out funds. The Township will actually be getting ½ percent more than at Mid-Penn. Mr. Border added that he also sent out RFPs to other banks to see if there are higher rates. A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the moving of \$5,000,000 from Mid-Penn Bank to Members First Credit Union. The motion was unanimously approved.

Monthly transfers from General Fund

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the \$83,333.33 monthly transfer from the General Fund to the Capital Reserve Fund. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the \$41,666.67 monthly transfer from the General Fund to the Recreation Development Fund. The motion was unanimously approved.

EXECUTIVE SESSION REQUESTED:

Solicitor Miller requested an executive session immediately upon conclusion of this evening's meeting to discuss personnel matters and attorney/client privilege materials.

FINAL COMMENTS:

Vice President Truntz and President Wilt thanked those who voted in the primary yesterday and thanked everyone for their support.

Commissioner DeHart announced that the Board had met in executive session on May 11 to discuss litigation and personnel matters.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner Paul, to adjourn the meeting and convene into executive session. The meeting adjourned at 8:14 P.M.

ATTEST:



Jean R. Arroyo
Township Secretary

MAY 17, 2023 LEGISLATIVE MEETING

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