

## MINUTES

### LEGISLATIVE MEETING – MAY 18, 2022

The May 18, 2022 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 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
- Jean R. Arroyo, Secretary
- Michael McAuliffe Miller, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Kaylee Justice, Planning and Zoning Coordinator
- Brian Davies, MS4 Coordinator
- Dominic Visconti, Chief of Police

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

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

#### PUBLIC COMMENT:

Laurie Castagna, 1901 Scarlett Lane, explained that she belongs to a private messenger group on Facebook. There was recently a question of who is responsible for the maintenance of the retention pond in Twelve Oaks which is becoming a breeding ground for mosquitoes. It needs to be dredged, since it is full of trash, weeds, and debris. In response to a question from Commissioner DeHart, Ms. Castagna explained the pond is located between Scarlett, O'Hara, and the Bonnie Blue cul-de-sac. There are probably five homes that border it, but no one seems to know if any of these property owners own any of it or whether the Township does. One of the property owners took it upon himself last year to pay to have it treated for mosquitoes. This individual, understandably, does not want to take on the responsibility again. Brian Davis, MS4 Coordinator, explained that generally, it would be the responsibility of whoever owns the property that the basin is on. It may be a shared responsibility between several property owners. He added that he would first need to look at the plans to provide an accurate answer; he asked that

Ms. Castagna leave her contact information with him. Commissioner DeHart referenced the Dauphin County tax map and stated that it appears this is all private property. Solicitor Miller suggested this be investigated further before an answer is given. He thanked Ms. Castagna for bringing this to the Board's attention.

#### LST HISTORICAL SOCIETY/KEEP PA BEAUTIFUL PARTNERSHIP:

Stephanie Larson, Program Coordinator for Keep Pennsylvania Beautiful, discussed a potential partnership with the Lower Swatara Township Historic Preservation Society. The Historic Preservation Society would like to adopt the Richard L. Shireman Park. Keep Pennsylvania Beautiful is, in turn, seeking the Township's support for this. The Historic Preservation Society's responsibility would be to clean the park twice a year. Keep Pennsylvania would provide a recognition sign, cleaning supplies, gloves and vests, etc. The Historic Society would need to sign a volunteer waiver form that protects Keep Pennsylvania Beautiful from liability. The Township would be asked to provide the signpost, erect the sign, and provide trash disposal options as needed. Solicitor Miller noted he would need to look at the waiver information provided.

Vice President Truntz stated it looks like a good program, but added the park is still in early development stages. Commissioner Paul agreed the park does not exist at this time, but hopefully the construction phase will begin later in the year with completion next year. Ms. Larson stated she is unclear whether the Historic Preservation Society wants to keep the area clean only until the park is developed. She agreed to follow up with them on this question. Ms. Larson asked when she can expect a response back from the Board. Commissioner Paul suggested Ms. Larson contact the Township once she has this additional information, particularly if the Historic Preservation Society plans to implement the trash pickup soon. Ms. Larson noted her understanding is that they want to start as soon as possible, but she will verify this. The Board thanked Ms. Larson for her attendance this evening.

#### MS4 JOINT VENTURES:

Erin Letavic, Senior Project Manager, HRG and Steve Deck, Executive Director, Tri-County Regional Planning Commission led a discussion on MS4 Joint Ventures -- Conewago Creek Restoration and WREP (Water Resource Enhancement Program). Mr. Deck provided some



background on this opportunity. Several years ago, when the Dauphin County Comprehensive Plan was prepared, one of the major elements was enhancement of the environment. A key part of that was what could be done to improve water quality and address water resource issues across the County. The County feels it has a unique opportunity to work with municipalities to handle these issues more on a water-shed basis where they belong rather than on a municipal level. Last year, a county-wide action plan was completed, consisting of a laundry list of projects that were identified to address many of these issues. Implementation funding was obtained, and this will help fund the project that is felt to be a good kick-start for this WREP. What is being discussed tonight is MS4 specific, but the hope is that long term by working together, the group can start addressing localized flooding issues and other stormwater management and water quality projects.

Ms. Letavic referenced the WREP material which had been provided to the Board. A municipal survey asked what areas municipalities could use more support for in terms of water resource needs or goals, and there was clearly interest in County involvement in stormwater. The overall goal of the program is to advance things which are very difficult for municipalities to advance on their own. An example is this Conewago Creek Stream Restoration, a multi-million-dollar project which has taken five to six years to develop and is under construction right now. There are many MS4 municipalities in the southern end of the county that have very expensive MS4 pollutant reduction plan projects planned. This project provides far more MS4 credits than the home use municipality needed. This generated the reason to put all the funding from this year's block grant into this one project for the municipalities that also want to buy in. Ms. Letavic explained they are here tonight to see if Lower Swatara Township is interested in signing the intergovernmental agreement to not only join the WREP but to also develop the next projects in the program that would benefit the region. These do not have to be MS4 related; the goal is to be able to invest in local projects that have regional impact but may be more expensive than a municipality can fund on its own. She asked (1) if the Board desires to participate in the program and (2) if the Board would like to buy into the Conewago Creek Project up to, or even beyond, the number of MS4 credits the Township needs for its permit term. The price is \$2.00 a pound; normally, a range of \$5.00 to \$12.00 a pound is being seen for projects of this size. Cost savings could then be used to invest in the Township's own infrastructure needs.

Commissioner DeHart remarked that the Municipal Authority had a lot of questions and concerns. One was the cost at the end of the program. He added his understanding that the

Township joining the program would allow it to buy its credits for the current permit year. He asked if these could possibly be carried over into the next year. Ms. Letavic confirmed that it will certainly address the requirements for the current permit year, and the Township can buy more pounds out of the project if it desires to invest more.

Solicitor Miller explained that under the intergovernmental cooperation agreement, the initial contribution to join is \$500. Then, in the first quarter of 2023, there will be a set of tiered levels of services that the municipality can choose to buy into depending on what it desires. Ms. Letavic confirmed that this is correct and added those tiers of service will be developed by those who decide to participate right now for \$500. There would be no other obligation moving forward. Solicitor Miller asked if the Township were to pay the \$500 and then look at the tiers and feel they are not beneficial, could it terminate participation? Ms. Letavic responded it could. Commissioner DeHart commented that the Municipal Authority had concerns about long-term costs as well as funding that will be used for projects outside of the Township. He added that he realizes there are MS4 requirements that must be met, and some of the planned Township projects may or may not meet the permit deadline. Buying into this program and purchasing credits will help the Township meet these requirements at a cost savings. Ms. Letavic noted that those municipalities who participate and are “at the table” will also have input on the future projects. The more that participate, the better the projects can be.

Commissioner DeHart asked who manages the program. Ms. Letavic responded that it is managed under the Tri-County Regional Planning Commission, but ultimately by the County Commissioners. Ms. Letavic explained that the County really does not have a major stake in the game since they do not have an MS4 permit requiring any sedimentation reduction credits. They are simply coordinating things. The Conewago project will be owned and maintained by Londonderry Township so any excess credits will belong to them. However, they have an arrangement with Tri-County Regional Planning Commission to offer those credits at \$2.00 per pound to eligible municipalities.

Commissioner Davies asked the specific timeline to commit to the purchase of the sediment from Conewago. Ms. Letavic explained they are looking at June, since a large lump sum payment can obviously be challenging to municipalities. The Redevelopment Authority is advancing, with Tri-County Regional Planning Commission staff support, an allocation to the DCCDBG program for a ten-year bond at a 1.75% interest rate. This would be an option if the Township does not want



to commit the full amount of cash this year. In response to a question from Solicitor Miller, Ms. Letavic explained they need to know how many pounds of sediment the eligible communities are interested in by the end of June. Solicitor Miller asked the timeline for entering the WREP. Ms. Letavic explained that municipalities really won't have access to the credits if they are not in the WREP. Entering the WREP is the gateway for eligibility to purchase these credits. Solicitor Miller added that the termination agreement states that municipalities can request termination at the end of each scheduled MS4 permit term. Ms. Letavic agreed; this will be next year. Solicitor Miller also noted that the agreement states that if a municipality terminates and there is a stormwater account, they get charged a proportionate share. Ms. Letavic explained this will kick-in once the tier level of services is established by the WREP advisory committee and approved by the County Commissioners. At this point, however, \$500 is the only obligation and it will not be returned.

Commissioner Paul referenced the ability to purchase more credits and asked if there is a guarantee that they can be carried over to the next permit cycle. Ms. Letavic explained that DEP guidelines currently say they can be carried forward. However, she and Mr. Fabian share the concern that they do not know when the next MS4 term will kick-in and what its requirements will be. This makes it difficult to provide advice on how many additional credits should be purchased. Commissioner Paul asked if this means the Township should only purchase what it needs for this cycle. Ms. Letavic stated she tends to agree with this. President Wilt noted it seems like a risk to purchase extra credits. Ms. Letavic added that if the Township's focus is to make sure its own projects are done next time, it may be best to reserve that money for those projects.

Vice President Truntz stated that hypothetically speaking, Derry, Susquehanna, Lower Paxton and Lower Swatara could all join the WREP, and there could be interest in doing an enormous project that would require each to kick-in \$1,000,000. Would the Township be obligated to kick-in? Ms. Letavic responded she does not see happening, since the watersheds are separated. It would need to be a project with a very significant impact and would probably require another project related agreement. For now, this agreement only pertains to the Conewago project. Commissioner Davies asked how Lower Swatara gets credit for being in the Conewago watershed when it is clearly in the Swatara Creek watershed. Ms. Letavic referenced the handout and explained that because the Conewago Creek watershed intersects a watershed that is associated with the river, it can be technically grouped together for MS4 calculation purposes.

Vice President Truntz remarked that he can appreciate the environmental concerns, and realizes that MS4 is a mandate from DEP. An MS4 fee has already been implemented, and residents have seen their sewer bill go up along with this fee. The average homeowner probably does not understand all of this, but really needs to. He asked if there are plans to educate the public. Ms. Letavic responded that at this time, there is a flyer and a press release. This is the first public meeting to discuss it. She agreed that some public education will be provided via public meetings and the County website. Mr. Deck stated that Tri-County Regional Planning Commission does intend to do extensive public education once this process begins to move forward. In response to a question from Solicitor Miller, Mr. Deck explained that in order to develop a good program by the end of the year, it is essential to know as soon as possible what municipalities are joining the WREP. Commissioner DeHart asked if DEP had been contacted about the WREP. Ms. Letavic confirmed they had; DEP likes to see municipal cooperation.

President Wilt stated he is less apprehensive knowing Ms. Letavic is involved with this but stated it will be a tough decision for him. Commissioner DeHart agreed that it is scary not knowing what is required from DEP in the next permit cycle. Commissioner Davies added that in the future, he feels that Lower Swatara could really benefit from some flood control aspects of this program, since flooding is a reoccurring problem, particularly in the Jednota Flats area. Part of the reason that Route 230 is not more commercially developed is due to the water issues.

The commissioners agreed that since June is the hard deadline, they would prefer tabling action tonight to further discuss this. A motion was made by Commissioner Paul to table joining the Water Resource Enhancement Program (WREP) for an initial cost of \$500 and to also table the purchase of 234,163 lbs. of annual sediment reduction from the Conewago Creek Restoration Project at a cost of \$468,326. The motion was unanimously approved. Solicitor Miller asked Ms. Letavic and Mr. Deck if they would be willing to attend Monday's Municipal Authority meeting. They agreed to do so.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the Minutes of the May 4, 2022, 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. 2022-04. The motion was unanimously approved.

### TREASURER’S REPORT:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Treasurer’s Report for April 2022. 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 15 Part I crimes, 14 Part II crimes, 365 calls for service, 1 DUI arrest, 26 traffic citations, 7 non-traffic citations, and 38 warnings. There were 11 motor vehicle accidents, 6,516 patrol miles driven, and 2,386 foot patrol minutes. There were 304.5 total overtime hours, and 76 total training hours.

In response to a question from Vice President Truntz, Chief Visconti noted that two officers will most likely be out through the month of June due to work-related injuries. There are currently ten officers available for patrol. Vice President Truntz asked if officers are working double shifts and if fatigue and morale are issues. Chief Visconti confirmed they are working doubles, and officers are obviously fatigued. Several officers have stepped up to fill shift vacancies. In instances where there are no volunteers for the shift vacancies, they can be forced by contract to work a 12-hour shift on the front and the back end of the vacant shift, but that does not occur often due to the willingness of some to work a 16-hour shift.

Chief Visconti reported that every year, District Attorney Fran Chardo holds an Awards Ceremony. That ceremony was held on Monday, and Sergeant Scott Young was awarded the Medal of Valor for his actions in August of 2021 when he waded into the Swatara Creek in hazardous water conditions to facilitate the rescue of several individuals who were stranded in the creek and were clinging to a tree after their raft had deflated. The Board congratulated Sergeant Young.

### *Dauphin County Co-Responder Program*

Chief Visconti reported that he recently had a conversation with Ashley Yinger, Criminal Justice Programming Administrator at the Dauphin County District Attorney's Office, regarding Township participation in the County Co-Responder Program. The County is offering the services of a co-responder for the remainder of 2022 free of charge on a trial basis. Discussions about continuing these services into 2023 for a fee can be discussed in the future. Chief Visconti added that he has provided the Board with a draft Memorandum of Understanding provided by Ms. Yinger. This program MOU has been approved by the County and other departments currently participating. Solicitor Miller suggested the Board conditionally approve this, subject to his final review. He explained that he did review it briefly but would like to complete a final review.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to conditionally approve Lower Swatara Township Police Department's participation in the Dauphin County Co-responder Program for the remainder of 2022 at no expense to the Township, pending final review of the MOU by the Solicitor. The motion was unanimously approved.

### Fire Department

Chief Phillips presented the monthly statistics' report. During the month of April, there were 35 total calls with 25 responders, for an average of 7 personnel per response. There were approximately 20 hours of time in service. Mutual aid was provided to Conoy Township (1), Elizabethtown Borough (1), Elizabethville Borough (1), Harrisburg City (2), Highspire Borough (1), Hummelstown Borough (1), Middletown Borough (3), Steelton Borough (3), Swatara Township (4), and West Donegal Township (1). President Wilt observed a response to Elizabethville Borough and added he is surprised to see the Fire Department travel that far. Chief Phillips explained that the Department's tanker responded to a mountain fire.

### MS4 Department

Mr. Davis referenced the first two items under his report which were tabled earlier; any questions in the meantime can be forwarded to him to answer or pass on to Ms. Letavic.

The next agenda item is the possible purchase of 120,000 lbs. of annual sediment reduction from the PennDOT/Turnpike Commission stream restoration project (Rosedale Avenue Stream Restoration) at a cost of \$234,000. Project location is south of Rosedale, east of Whitehouse and north of Lisa Lake. Mr. Davies explained this project will help the flooding issues that historically occur in the Jednota Flats area. There has been discussion about whether the Township wants to



buy credits for the next permit cycle since it is speculative. Mr. Davis explained that if the Township does purchase any credits for this project, it will be with the understanding that the Township is hopeful that these credits will be valuable in the next permit cycle. This project is beneficial to the Township and is happening whether the Township participates or not.

Commissioner DeHart asked if Mr. Davis had looked at the budget. Mr. Davis confirmed that he had. Commissioner DeHart asked how many credits this will provide. Mr. Davis explained his recommendation would be to purchase only half of the credits necessary for this year due to the unknowns in the next cycle. This would be about 120,000 pounds of sediment.

Commissioner Davies asked if this payment would occur in the current budget year or next. Mr. Davis anticipated it will be next budget year. Commissioner Davies asked the deadline for deciding whether the Township wants to participate. Mr. Davis responded his understanding is that a decision is being requested by the of this month. Mr. Fabian agreed that is his understanding. Price of the sediment is \$1.95. Commissioner DeHart asked who will maintain this afterwards. Mr. Davis responded that the maintenance will be done by the engineer, RES Engineering. Similar to the Conewago project, the Township would simply be providing funds to buy its credits.

Commissioner Davies commented that considering it could have a positive impact on flooding remediation in part of the Township, he would favor this purchase. Mr. Davis explained the risk of the participation is that it is unlikely it will be done by March of 2023, so there is good chance that these credits won't be applicable to the current permit year. Vice President Truntz asked if the Township really needs to do both projects if it participates with the Conewago project and purchases \$468,326 of credits. Mr. Davis explained that if the Township participates in neither project and just does its own projects, it will be looking at spending over a million dollars and that only covers the Township until March of next year. Should there be additional things the Township would need to do, it would be even more. The idea here is to participate in at least one of these projects, because both are a lot more cost effective than the Township could do on its own. The Township should buy what it can for this permit cycle, and then purchase additional credits for the next cycle. While participation in both projects would be over \$750,000, the alternative would be to spend at least 1.2 million dollars. Solicitor Miller explained that buying sediment from both projects would mean about 117,000 pounds of extra credits which is guaranteed to roll over. President Wilt asked if all municipalities will be forced to spend these types of funds and asked how

the smaller ones will get the money. He expressed his frustration over the whole mandate and stated he just doesn't see where all the money is coming from.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the purchase of 120,000 lbs. of annual sediment reduction from the PennDOT/Turnpike Commission stream restoration project (Rosedale Avenue Stream Restoration) at a cost of \$234,000. The motion was unanimously approved.

Mr. Davis reported that there is some stormwater reconstruction work being done near the caterer on Spring Garden Drive. As part of that project, the on-site engineer noticed that the pipe in the basin at Woodridge near the outlet structure has begun to deteriorate. The Woodridge HOA was contacted to discuss how to address this. Based on ordinance, the property owner on the basin is required to maintain it. The conversation with the HOA was based on the understanding that the Township would help instruct and guide the HOA on how to best address this issue. One idea was to have the on-site contractor, JVI, do the work to reduce mobilization costs. The cost estimate provided by JVI was around \$27,000. The HOA does not feel it can handle this financial burden. There have been some conversations now on how to proceed --- whether the Township wants to do some of the work itself or adhere to the ordinance. Solicitor Miller stated this will be discussed in executive session tonight since there are legal issues involved. Commissioner Davies questioned if there is absolute responsibility by the HOA for a feature directly connected to the Township's stormwater pipes. Mr. Davis explained this is a complex issue. A lot of the BMPs in the Township eventually connect to the Township's facilities, since this is the idea beyond MS4. There are a lot of entities who maintain basins and obtain credits on their stormwater fee because of this. The Township will need to be cautious about expanding that line beyond its own borders.

Mr. Davis stated that Vice President Truntz had made some excellent points about educating the public about MS4. The Township presently provides education through its website and bulletin boards. When the MS4 fee was first set up, there were some public meetings to explain it. Mr. Davis suggested it might be worthwhile to have another one of these meetings. In addition, perhaps a newsletter could be sent with the MS4 bills to discuss these projects. The Board agreed this is a good excellent idea.



## ENGINEER'S REPORT:

Mr. Fabian reported that he will address several items as they appear on tonight's agenda. He updated the Board on the status of current project. Base course was completed on Spring Garden Drive and cold patch was removed in that area. The wearing course was not received from the plant today, so the intent is to wrap up the project tomorrow. The base course is also down on Cockley Road, with plans to do the wearing course tomorrow as well. It is anticipated that guardrail will be put back up next week, and Cockley can then be reopened. Many of the 2021 drainage project improvements are coming to conclusion. For the Delmont portion, work was completed within the roadway, but there is additional work to be done between those properties. Until the easement is finalized with First Industrial and the change orders are approved, it was felt best to wait to disturb any of those yards. Commissioner Paul asked if the easement is still not in hand. Mr. Davis responded the Township is close to having that easement finalized. The work for Nissley and Spring Garden, going down to Donald, appears to have several waterline and gas clashes. A meeting with the water company is scheduled for Friday to discuss this.

Most of the punch list items for the Rosedale project have been addressed, and the contractor is making steps for final completion on that site. There was some coordination with the Borough of Highspire's engineer on timeline for finalization of easements for connecting the end wall. This is also advancing. The HOP permit has been completed for the Fulling Mill Road boat launch facility and should be ready for submission this week. Mr. Fabian added his next task is to jump right into preparation of bid materials. Utility conflicts continue to be worked through for the Bryn Gweled Infrastructure Replacement Design and Permitting; the stormwater system is largely laid out. All survey work for the 2022 Capital Improvement Projects has been completed, with the exception of the Hershey Creamery Stream Restoration Project.

The Sunoco Pipeline Settlement Agreement and Release has been received and is being reviewed by Solicitor Diamond. This pertains to the cost of damages done to the roadways. In response to a question from Commissioner DeHart, Mr. Fabian explained that the construction cost was just received about a month or so ago, so the pricing is current. Commissioner DeHart asked if Sunoco will provide the reimbursement, and then the Township will be responsible for having the roads repaired. Mr. Fabian confirmed that is correct.

Commissioner Davies referenced the Hanover Street work and asked if Doli will be performing that. Mr. Fabian explained the Township has two active contractors performing

stormwater work right now -- Doli and JVI. The Hanover project can be added to either contract as a change order, so it may be best to solicit pricing from both.

Mr. Fabian reported there was a meeting with FEMA representatives to review some of the damage that happened from the storm last September. The inspectors looked at Greenwood Circle, Hanover Street, Tioga and Chestnut Alley, and Meade Avenue. They collected information and will pull together their assessment of what financial aid may be provided.

#### Future Meeting Dates

President Wilt read aloud the list of future meeting dates:

May 23	7 PM	Municipal Authority Meeting
May 25	<b>CANCELLED</b>	Zoning Hearing Board
May 26	7 PM	Planning Commission Meeting
May 30	Memorial Day	Holiday – Township Offices closed for business
June 1	7 PM	Board of Commissioners Workshop Meeting

#### COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul -- no report

Budget and Finance Committee: Commissioner Davies -- no report

Public Works Committee – Vice President Truntz reported the crew is busy with mowing, planting grass seed, street sweeping, etc.

Community Development: Commissioner DeHart – no report

Personnel Committee: President Wilt – no report

#### UNFINISHED BUSINESS:

##### Preliminary/Final Land Development Plan of Penn Preserve

The Board discussed the Preliminary/Final Land Development Plan of Penn Preserve (PC # 2022-03). The Plan was recommended for approval at the March 24, 2022 Planning Commission Meeting and tabled at the April 20, 2022 Board of Commissioners' Meeting. There are two waiver requests being sought for this plan: (1) waiver of relief from the Preliminary Plan Chapter §22-404; and (2) waiver of relief from Stormwater Requirements, Chapter §26-119.2.A.

Matt Fisher, RJ Fisher and Associates, explained the Board had tabled the plan at the last meeting due to the number of outstanding comments. Since then, the plan has been resubmitted to



the Township and each comment addressed. Mr. Fisher added that today they also received the administrative completeness letter from the Conservation District. Hopefully the NPDES approval will be received in the next several weeks. He asked if the Board would consider granting a conditional approval tonight. Mr. Fabian stated he did read through the response letter from RJ Fisher, but did not do a thorough review yet. He agreed, however, that Mr. Fisher did a very good job detailing how the comments will be addressed, and he would feel comfortable with a conditional approval. Commissioner Paul added he also reviewed it, and feels it is satisfactory.

Vice President Truntz asked if this project will have any private stormwater, roads, etc. not dedicated to the Township. Mr. Fisher agreed there will be an HOA, and the HOA documents make it very clear who is responsible for the stormwater facilities. Commissioner DeHart stated that the problem is down the road, if the HOA goes away, these things become orphaned. Mr. Fisher explained that is why it is important for HOA's to put money aside rather than just break even every year. The alternative is to put the responsibility on the individual lot owners, which is probably a worse situation.

Solicitor Miller suggested the Board first act on the two waiver requests: (1) a waiver of relief from the Preliminary Plan Chapter §22-404; and (2) a waiver of relief from certain Stormwater Requirements, Chapter §26-119.2.A. Commissioner DeHart asked what stormwater requirements the Board is being asked to waive. Mr. Fabian explained it is a slight increase in the one-year storm event on rate; all the other storm events are fine. Solicitor Miller confirmed that this is not a waiver of the responsibility for the storm basin. A motion was made by Commissioner Paul, seconded by Commissioner Davies, to grant: (1) a waiver of relief from the Preliminary Plan Chapter §22-404; and (2) a waiver of relief from certain Stormwater Requirements, Chapter §26-119.2.A. The motion was unanimously approved.

With the waiver requests granted, a motion was made by Commissioner DeHart, seconded by Commissioner Paul, to conditionally approve the Preliminary/Final Land Development Plan of Penn Preserve (PC # 2022-03) pending completion of all outstanding comments to the satisfaction of the engineer. The motion was unanimously approved.

## NEW BUSINESS:

### Application for Payment 09 to DOLI

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the recommendation to the Lower Swatara Township Municipal Authority of Application for Payment No. 09 for the Rosedale Drainage Improvements Project, in the amount of \$983,138.27, as submitted by DOLI Construction Corporation. The motion was unanimously approved.

### Change Order #1 to JVI Group for 217 Delmont Ave. work

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve Change Order #1 to JVI Group, Inc. in the amount of \$243,350 for the 217 Delmont Avenue storm sewer extension into the First Industrial Basin and for the storm sewer repairs at Greenwood Circle. This will also provide a roughly three-month extension to the contract to be able to complete the work. The motion was unanimously approved.

### Partial Real Estate Refund to SHRI SAI Middletown LLC

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve a partial refund of \$974.56 for 2021 real estate taxes to SHRI SAI Middletown, LLC, 815 Eisenhower Blvd., Middletown, PA. The motion was unanimously approved.

### Authorization to advertise bids for 2022 Paving Project

Mr. Fabian addressed a request to authorize advertisement for bids for the 2022 Lower Swatara Township Paving Project, which is to include portions of Briarcreek Lane, Burd Road, Heatherland Road, Heathglen Road, Huckleberry Court, Old Reliance Road, Spring House Road, and Longview Drive. He explained that this is an increase of about \$90,000 over the original estimate he had provided the Board; after opening other paving bids, he found that some of the costs were higher than he had conservatively anticipated. Mr. Fabian added that the way he would like to structure the bid is to have two alternate designs on Longview. This will allow the pricing that comes back to be evaluated to determine if it makes sense to do spot repairs or an overall milling of the entire road. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve authorization to advertise for bids for the 2022 Lower Swatara Township Paving Project. The motion was unanimously approved.



#### Greenways, Trails and Recreation Program Grant

Mr. Fabian stated the Greenways, Trails and Recreation Program (GTRP) is a \$25,000 grant that is due by the end of this month. This was applied for last year, but it was not looked on favorably due to the timeline of construction of the park. The request should be in a better position now. This grant would help offset the costs of development of the Richard L. Shireman Park. Commissioner DeHart recalled \$500,000 was previously discussed. Mr. Fabian stated that would probably be a stretch; most have been seeking \$150,000 - \$250,000. A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve Resolution No. 2022-R-13 requesting a Greenways, Trails and Recreation Program (GTRP) grant of \$250,000 from the Commonwealth Financing Authority to be used for the Shireman Tract Park development project and to also approve Confirmation of Assignment from HRG for \$5,000 to prepare the grant application for the CFA- GTRP Grant for the Richard L. Shireman tract. Commissioner DeHart asked if the \$5,000 fee could be reimbursed through the grant itself. Mr. Fabian responded that unfortunately it cannot. The motion was unanimously approved.

#### Outsourcing of Payroll

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve outsourcing of payroll to Paytime at a yearly cost of \$4,4987.50 with a one-time cost of \$600. The motion was unanimously approved.

#### Increase of Capacity on Server

Commissioner Paul moved that the agenda item for the increase of capacity on the server due to the demands of WatchGuard be tabled in order to get more information on this item. Chief Visconti added that a meeting is tentatively scheduled with Pointsolve and the accounting manager either tomorrow morning or Friday to discuss alternatives to the quote that was previously submitted. Commissioner Paul asked that Commissioner Davies or Commissioner DeHart be in attendance of this meeting. Commissioner DeHart agreed to attend. The motion to table was unanimously approved.

#### Agreement w/Raymond James as dissemination agent for bond issues

The Board discussed an Agreement with Raymond James as dissemination agent for bond issues. In response to a question from Commissioner Davies, Solicitor Miller explained that for a cost of \$750, Raymond James will make sure the Township's bond issues are appropriate and will double check compliance. Vice President Truntz questioned the indemnification wording in the

agreement. Solicitor Miller agreed to further review this. A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the agreement with Raymond James as dissemination agent for bond issues subject to the Solicitor's approval of an indemnification clause. The motion was unanimously approved.

#### EXECUTIVE SESSION ANNOUNCED AND REQUESTED:

President Wilt announced that the Board had met in executive session on May 12 to discuss personnel matters. He requested the Board also convene into executive session immediately after this evening's meeting to discuss personnel matters.

#### FINAL COMMENTS:

Commissioner DeHart stated it was nice to hear the District Attorney acknowledging those who assisted in last year's rescue. He congratulated Sergeant Young on his recognition.

Commissioner Davies congratulated Sergeant Young for receiving a Medal of Valor. He also noted the information provided tonight on the WREP was quite interesting. He stated that he does feel it is worthwhile paying the fee to be in the game but also understands the concerns expressed.

Commissioner Paul observed that there is a lot of work to be done to resolve some of these old issues, and there needs to be good dialogue to determine the direction that needs to be taken.

Vice President Truntz stated he was not surprised that Sergeant Young would do something to put his own health and safety at risk to help others. He congratulated him on his award. Vice President Truntz also addressed MS4, and stated he hopes that the public can understand that MS4 was thrust upon the Township with no choice. These large expenditures that benefit places outside the Township are still often the most economical choices. He stated that he feels the decisions made tonight were good financial decisions and the best that can be done.

President Wilt also congratulated Sergeant Young on his well-deserved award. He added that while he doesn't particularly like it, he knows that MS4 is a necessary evil. President Wilt also thanked Ms. Justice for operating the Zoom tonight.



ADJOURN 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 meeting adjourned at 8:50 P.M.

ATTEST:

A handwritten signature in dark ink, appearing to read "Jean R. Arroyo". The signature is fluid and cursive, with the first name "Jean" and last name "Arroyo" clearly distinguishable.

Jean R. Arroyo, Secretary

**PLEASE PRINT NAME CLEARLY**

**MAY 18, 2022 LEGISLATIVE MEETING – 7:00 P.M.**

[illegible]