

## MINUTES

### LEGISLATIVE MEETING – MAY 19, 2021

The May 19, 2021 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt.

The following officials were in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Michael J. Davies, Commissioner
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary (Zoom)
- Peter R. Henninger, Solicitor (Zoom)
- Dominic Visconti, Chief of Police
- Shawn Fabian, HRG (Zoom)

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

Residents and visitors in attendance through ZOOM: none

President Wilt welcomed everyone to the meeting, and then turned over the floor to Solicitor Henninger. Solicitor Henninger reported that the Board had received today three proposed stipulations with regards to tax assessment appeals. Action has been added to the agenda as an addendum – item 15E. However, this item must be announced prior to the public comment period in order for the Board to take action tonight. Solicitor Henninger added that he will discuss this item in more detail when it appears for action tonight.

President Wilt then opened the floor for public comments.

#### PUBLIC COMMENTS:

Jim Blockus, 82 Hanover Street, referenced all the projects going on in his area. He noted the quality of repairs, although only temporary, is pretty bad. He expressed concerns with the sealing, and a sinkhole. Mr. Blockus stated his primary concern is what will be repaired due to the damages, and requested someone from the Township make a visit to the site to assess the

damages. He stated his understanding from the contractors is that they are only going to come into the driveways 2', and that will not be far enough to fix the damage that occurred as part of this project. He added that when he signed the waivers allowing access to the right of way, he understood that repairs would be made to all damages resulting from the project. He provided photos to the Board. Ms. McBride agreed to have someone look at this.

Clydene Strauss, 84 Hanover Street, reported that a few weeks ago, there was an issue with macadam breaking. The Township did come out and look at it, and the contractor filled it in with stone. She noted she did go back and look at her temporary easement, and it seems clear that any damages to her property need to be fixed. She stated she is concerned that they will not make repairs to her private property that was damaged. Ms. Strauss also informed the Board that the contractor is throwing things – sub rolls, pizza crusts, plastic bottles – where they are putting in the curbing and taking selfies of them doing this.

Mr. Fabian explained that several of these areas, mostly on the east side of the road coming up Hanover Street, are to be paved in full due to impacts of the storm sewer coming up through. On the left side, the plan was to repave only what has been damaged. If there are damages from the water line, that will be taken into account. There are a few issues going on in this area. There is the existing storm sewer line that failed, and that is where the sinkhole issue arose. The whole point of the project is to replace that failed line, which is to be filled with flowable fill. Mr. Fabian pulled up the pavement plan, and noted it does show that the entire section on Ms. Strauss' side of the road being slated for repaving. He agreed it does get confusing. There is a scenario of partial private property/partial right of way and unless there is any installation of utility, there is no planned repaving in those sections. Hanover Street is one of the exceptions due to damages during construction as a result of the new stormsewer coming up that one side on the east.

Ms. Strauss also noted Verizon has been back frequently painting markings and putting orange flags in the right of way behind their homes. She asked the reason for this. Mr. Fabian stated there are a number of things going on from the utility side of the project. There were various relocations necessary due to unmarked lines. He stated he is not sure what could have occurred with Verizon in this location, but suggested they may be trying to reroute around and reconnect to avoid conflicts with the digging. He stated this is outside of the project work zone, but agreed to look into this since there is coordination with the utilities. Commissioner Paul

stated he would appreciate Mr. Fabian looking into these issues so the Township is aware of exactly what is going on in the project area. He added that it might be good to include Mr. Washinger in these site visits.

In response to a question from Ms. Strauss, Mr. Fabian explained that after that whole failed line is flowable filled, they will come back and do base repairs before they do a top coat on everything.

Mr. Blockus observed that both the contractor for the water work and the sewer work do not seem to be depressing the stone or pushing it down with a jumping jack. He added this may have caused the sink hole.

Vice President Truntz referenced Ms. Strauss' comments about the behavior of the contractors, and asked that they be reminded that they are representing the Township and are being paid by tax dollars. They need to conduct themselves professionally, and not do things like throw garage down holes.

Commissioner DeHart thanked Mr. Blockus and Ms. Strauss for coming out tonight and letting the Board know about these issues.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Minutes of the May 5, 2021 Workshop Meeting. The motion was unanimously approved.

#### PAYMENT OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the Payment of Bills – Warrant No. 2021-04. The motion was unanimously approved.

#### TREASURER'S REPORT:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Treasurer's Report for April 2021. The motion was unanimously approved.



## PUBLIC SAFETY REPORTS:

### Police Department

#### *Activity Report for April 2021*

Chief Visconti provided a summary of the monthly statistics for April. There were 16 Part I crimes, 37 Part II crimes, 597 calls for service, 2 DUI arrests, 37 traffic citations, 3 non-traffic citations, and 36 warnings. There were 11 motor vehicle accidents, 8,512 patrol miles driven, and 753 foot patrol minutes. Chief Visconti also thanked the Public Works Department for its work on the evidence storage area.

Commissioner DeHart added that with the upcoming traffic nightmare from the North Union Street work, it might be good to place the speed sign on Longview or Powderhorn. Chief Visconti added he can also have patrol of this area and issue warnings when necessary. Commissioner DeHart asked Solicitor Henninger if the Township has a traffic study for Longview. Solicitor Henninger stated he does not recall one. Chief Visconti added that several months ago, there were concerns about speeding on a section of Longview, and a resident provided the Police Department permission to sit in their driveway. There were also various traffic details done out there, but no blatant violations of speeds were observed. Commissioner DeHart remarked that there is an issue with drivers blowing through the road closed sign on North Union near Longview and Fulling Mill. Ms. McBride noted Kinsley has been requested to install a detour sign on Longview around North Union while 80<sup>th</sup> Street is being ripped up. Commissioner Davies added it might be good to have a traffic study done on avenues of travel like Longview in order to have a baseline to determine if there is an increase. He stated he is concerned that Longview is going to be a much busier and important thoroughfare than it is now.

Commissioner Davies referenced the closure of Rosedale Avenue as a result of the D&H project work. He stated that to the east of the Stoner Drive intersection, there is confusing signage that does not make it clear that there is no thru traffic. Both signage and traffic control seem lacking. Mr. Fabian added the full closure of Rosedale was only for the first of four phases of construction. The other three phases allows one-lane traffic with flaggers. He noted his understanding that one lane should be effectively open now, but will verify that the permanent closure phase is now completed. Commissioner Paul added that the east side of the Airport Connector on Rosedale has been closed for weeks.

Commissioner DeHart asked the status of the body cameras and uniforms. Chief Visconti responded that the uniforms have been received, but it will be sometime before the body cameras arrive. He also advised the Board that the countywide testing is scheduled to begin June 5 for the physical agility test, and June 12 for the written test. A list should be available at the end of June or beginning of July.

#### Fire Department

Fire Chief Weikle presented the monthly statistics. During the month of April there were 42 total calls (143 total for the year), and 25 responders with an average of 6 personnel per response. So far this year, there were approximately 72 hours of time in service. There were 6 fire incidents, 2 overpressure rupture/explosion/overheat – no fire, 7 Rescue and EMS incidents, 3 hazardous condition incident, 3 service calls, 10 good intent calls, 9 false alarms, and 2 severe weather and natural disaster. Mutual aid was provided to Conway Twp. (1), Highspire Borough (5), Middletown Borough (5), PA Turnpike (2), and Steelton Borough (1), and Swatara Twp. (3). In response to a question from Commissioner DeHart, Chief Weikle explained that one of the severe weather calls involved a trailer. The policy agreed to with the Public Works Department is that the Fire Department volunteers will not risk getting injured going out for trees down unless it involves a hazard, a senior citizen, a first responder, or if there is serious property damage.

Fire Department President Bill Leonard provided a summary update on what has been going on at the Department from July of last year to date. On the administrative side, the Department reviewed and revised insurance policies. All vehicles of the Fire Department are now covered under policies through the Fire Department. Multiple duplicate Line of Duty policies were also consolidated. The Fire Department had received a Right to Know request from a resident, and it pursued action with its attorney and the Commonwealth of PA. The determination was that the Fire Department is not an agency of Lower Swatara Township, and therefore did not have to provide requested information. In conjunction with this, the Department has established a retainer relationship with Eckert-Seamans to advise the Department on legal matters and represent the Department when necessary.

The Department renewed its annual lease with PSU/ Hershey Medical Center through 02/28/2022. Several meetings were held with Rob Associates regarding the Fire Department's operations and administration assessment and long-range plan. The Department has updated or



established policies regarding harassment, bullying, discrimination, finance, investments, and information sharing (re. Right to Know Requests). Policies and practices were put in place at the fire station in regards to the handling and management of Covid-19. No serious issues were experienced at the station, as members followed noted guidance and adhered to social distancing recommendations.

On the finance side, the Fire Department has established a Capital Reserve Account which is restricted to certain purchases and will be funded on an annual basis by interest from Department investment accounts. Fund raising has been severely impacted by the pandemic in areas including hall rentals and bingo. Hall rentals are escalating nicely beginning June 2021 based on the new guidance regarding internal/external gatherings, social distancing, etc. With the assistance of the Township, the Fire Department applied for 2020-2021 Local Share/Gaming Commission grant and was successful in receiving \$50,000 for debt reduction on vehicles.

As previously discussed with the Board, building maintenance includes successful repair of the air conditioning system, the building sprinkler system, and the leaks in the “soda room” in the social/meeting hall. Several leaks in the roof that materialized in 2020 during heavy rains are also being addressed. The computer-controlled building access system was also upgraded. President Leonard explained that while several of the above items were partially covered by Township or Fire Department insurance policies, out of pocket expenses still exceeded \$100,000.

The Fire Department has been unsuccessful thus far in recovering approximately \$34,000 reimbursement for foam used at a First Energy for a substation fire that occurred mid-December 2020 on Rt. 441 in Londonderry Township. This was a mutual aid situation. If reimbursement is not received by June, further steps will be taken. President Leonard explained the Fire Department simply cannot afford to absorb this expense. Commissioner DeHart asked if the request for aid was through the County; if so, this should be pursued with Dauphin County hazmat since they can bill and carry more weight. Fire Chief Weikle explained this was not clear, since Bart Shellenhamer was handling this. However, he agreed that they do anticipate seeing some reimbursement. Chief Weikle added that approval was given from the gentlemen on the scene from First Energy, but it has to go through several individuals for approval. He added there is also gear damage that needs to be addressed as a result of this response. President Leonard noted the problem is the unanticipated expenses of the upgrade to the computer-controlled building access system and this mutual-aid expense total \$50,000, which is a significant part of the Department’s total budget.

Commissioner Davies asked if there is still a safety issue with use of the older foams. Chief Weikle agreed there is. However, the foam that the Department is using now is non-carcinogen, and protective gear is worn and is cleaned and deconned afterwards.

Commissioner Paul asked if there is an estimate of lost revenue as a result of covid. Chief Weikle estimated \$40,000 - \$50,000. He noted there were grants made available for fire departments to cover losses due to covid. Unfortunately, hall rentals did not fall under the criteria for reimbursement.

The department ordered a 2021 Command Vehicle (four door pick-up truck) and expects this vehicle to be placed in service by early September.

President Leonard noted that this completes his report, but he would like to add a few more comments. As the Township's representative to SARAA, he advised the Board that HIA is recovering nicely, and some scheduled improvements are underway. A formal, more detailed update will be presented before the Board in the next several months. From a personal standpoint, he also reported that the Lower Swatara car show/drive had to be cancelled due to the weather forecast. This event will be rescheduled. Mr. Leonard thanked the Police Department, Board, staff, and public for its support of this event.

#### ENGINEER'S REPORT:

Mr. Fabian referenced his monthly report and provided updates, beginning with the Rosedale Manor Stormwater project. Construction continues to move forward on schedule, with a two to three month delay due to covid and a material delay. Pavement restoration should occur by mid-June. There has been resolution to some of the contract negotiations that had delayed finalization of several claims the contractor had submitted. A verbal agreement was made, and a written agreement has been requested in order to submit change orders for approval.

Spring Garden Drive was repaved with the final coat. A punch-list has been prepared, but this project is substantially complete. Mr. Fabian added he has not heard an update on the timeline for repair of the guiderail from the accident. Mr. Washinger has been working with the contractor to make sure these repairs are done. Once the punch list is addressed, substantial and final completion paperwork will be before the Board. President Wilt referenced the Spring Garden/Lumber Street intersection area, and the UGI work done near Commerce Drive. He stated this area is very rough, and needs restored. Mr. Fabian agreed that UGI has not fully



restored their trench work from the culvert replacement site heading west on Spring Garden. He agreed to follow-up on this until it is resolved.

Commissioner DeHart referenced the boat launch project and permit review by DEP, and asked when the review will be complete and the project can be started. Mr. Fabian responded that review timelines with the Department have taken substantially longer than normal. Commissioner Paul asked if this means the plans for it to be done this year will probably not happen. Mr. Fabian agreed that he does not have a lot of faith that it will happen this year, but is still hopeful.

Commissioner Davies asked if Mr. Fabian could meet with Mr. Washinger over the next several weeks to compile a list of paving priorities that can be addressed this calendar year, and then a list of areas that can be done one year out and then two years out. He explained that he would like to determine what funding needs to be moved into the right accounts to dedicate to these projects. Mr. Fabian agreed that he and Mr. Washinger have been discussing this, and will do so over the next week or so.

#### SOLICITOR'S REPORT:

Solicitor Henninger reported that he will address agenda items as they appear.

#### MANAGER'S REPORT:

Ms. McBride reported that over the last year or so, there has been discussion about new basketball backboards at Shope Gardens playground, and whether to have two courts or one. Four backboards will cost about \$10,000, which per backboard is less than ordering two. Commissioner Paul questioned if there would be room for two courts there. The Board agreed to purchase two backboards. Commissioner DeHart noted there may be the need for new ones at the Market St. Ext. Park, which is in very poor condition. Ms. McBride agreed to check into the condition of the ones there as well as the shape of the park itself. Money may need to be moved around in the budget to address this.

The Lions Club is having a community outreach on July 24, and will invite vendors to talk about the services they offer. They have asked if the Township will allow them onto its property so the vendors can set up tables. Commissioner Paul asked if Solicitor Henninger has



any concerns with this. Solicitor Henninger stated he does not, as they have insurance. The Board expressed no objection to this.

Future Meeting Dates:

President Wilt read aloud the list of future meeting dates:

May 24	7:00 P.M.	Municipal Authority Legislative Mtg.
May 27	7:00 P.M.	Planning Commission
June 2	7:00 P.M.	Board of Commissioners Workshop Mtg.
June 14	7:00 P.M.	Municipal Authority Workshop Mtg.
June 16	7:00 P.M.	Board of Commissioners Legislative Mtg.
June 23	7:00 P.M.	Zoning Hearing Board

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – no report

Budget and Finance Committee: Commissioner Davies – no report

Public Works Committee – Vice President Truntz reported that the Department has been busy cutting grass and painting crosswalks at some of the intersections.

Community Development: Commissioner DeHart – reported that MARA will be meeting on May 26 to review applications for the Director's position.

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 2021-R-4 dedicating Morgan Drive

The Board discussed proposed Resolution No. 2021-R-4 accepting Morgan Drive from Craig Morgan and Brian Morgan for dedication to the Township. Ms. McBride suggested the Board table this item. She explained that towards the end of last week, she found out that the stormsewer system at Morgan's Run was not in good shape. She had been under the impression that it had been inspected and approval given to accept the streets. Ms. McBride added that since then, she has found out that Mr. Morgan has made the repairs. Mr. Fabian explained that he did go out to Morgan's Run to personally review these issues; he agreed that bricks were visible around the pipes, and the final coat was not put on around approximately seven pipe connections in there. He stated he is unsure why this was not caught during the security review.

Mr. Fabian reported that he did then meet with Brian Morgan in the field to personally observe the necessary repair work. Most were not structural failures, but did need to be taken care of before dedication. Mr. Fabian added that he is now confident that the necessary repairs have been done. However, if the Board does desire to approve the resolution tonight, he suggested that it be contingent on passing the final vacuum tests required by the Municipal Authority.

Commissioner DeHart asked if the pipes were televised to make sure there are no issues. Mr. Fabian stated they were not, but he did ask Mr. Morgan to take a few pictures of the pipes that he was able to see through. They appeared to be in decent shape. Mr. Fabian added he would be willing to put a pole camera down the pipes if it would alleviate some of the concerns of the Board. Commissioner DeHart stated he would personally prefer to table this item to make sure everything is right, including the vacuum tests.

Brian Morgan advised the Board that before they paved the road, they did take the steps to work with the Fire Chief and had him flush the lines out prior to finishing off the stormsewer detention pond. They were told everything should be fine at that point. This was done approximately a year ago. Tonight was the first he has heard of a sewer vacuum test. Commissioner Paul responded that this has always been a requirement of the Township. Mr. Morgan added that they are all set up to have the bond in place for the roads starting tomorrow. Mr. Fabian explained the bonding Mr. Morgan is referring to is the 18-month maintenance bond. There are funds still set aside for the four lots that have not been built yet for the remaining sidewalk that needs to take place. Mr. Morgan will need to revise the maintenance bond based on the date the roads are actually accepted. There will be about \$50,000 to cover the maintenance window and the remaining sidewalk that needs to occur. Mr. Morgan added that another item he thought would be discussed tonight is the reduction in the irrevocable letter of credit from the \$21,000 range to about \$9,000 which is the cost of the sidewalks on the four remaining lots. Solicitor Henninger stated he could not comment on this, since it is not on the agenda. However, he stated that as far as accepting the road, it is the Board's call.

The Board agreed to table Resolution No. 2021-R-4 accepting Morgan Drive from Craig Morgan and Brian Morgan for dedication to the Township until the June workshop meeting. Ms. McBride asked Mr. Morgan to contact her tomorrow regarding the scheduling for the vacuum test.



#### Referral of proposed wireless facilities ordinance to planning commissions

Solicitor Henninger reported that he, along with Ms. Hursh and Mr. Fure, have reviewed and provided comments on the proposed wireless facilities ordinance. It is now ready for referral to the County and the Township planning commissions. The Township Planning Commission can review it at their meeting next week, and the County Planning Commission can review it at their meeting the first week in June. The Public Hearing can be scheduled prior to the June 16 meeting. Solicitor Henninger added that Attorney Cohen will be asked to be available to speak on the proposed ordinance, either at the June 2 workshop meeting or at the June 16 Public Hearing. In the meantime, Solicitor Henninger asked the Board to feel free to contact Attorney Cohen with any questions.

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to refer the proposed wireless facilities ordinance to the Lower Swatara Township Planning Commission and the Dauphin County Planning Commission for review. The motion was unanimously approved.

A motion was then made by Commissioner Paul, seconded by Commissioner DeHart, to set the Public Hearing date for the proposed ordinance on June 16, at 6:45 P.M. (prior to the June legislative meeting). The motion was unanimously approved.

#### Time extension for Preliminary Subdivision/Land Development Plan for DHK Residential

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve a time extension for the Preliminary Subdivision/Land Development Plan for DHK Residential, LLC. File #2021-02 with a time deadline of May 23, 2021. The time extension dated May 11, 2021 grants a 60 day time extension until July 22, 2021. The motion was unanimously approved.

#### Resolution No. 2021-R-5 authorizing entry into a Street Light Services Agreement w/PPL

The Board discussed a Street Light Services Agreement with PPL Electric Utilities Corporation. Ms. McBride explained this is for 25 LED lights, mostly along North Union Street. When discussed earlier, a question arose about the baseball fields getting LED lights. This can probably be pursued with Wilsbach. Ms. McBride recommended approval of the agreement. In response to a question about locations, Solicitor Henninger stated he cannot speak specifically as to the locations, but understands Mr. Washinger is recommending approval. He noted that from a legal perspective, he is comfortable with the Street Light Services Agreement. Basically, PPL

will replace lights with LED and save the Township money. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve Resolution No. 2021-R-5 authorizing the entry into a Street Light Services Agreement with PPL Electric Utilities Corporation whereby PPL shall install all new street lights, convert some or all of existing street lights, or both as described in the Scope of Work attached to the Street Light Services Agreement as Exhibit "B". The motion was unanimously approved.

#### Municipal Grant of Right-of-Way with PPL

Solicitor Henninger referenced a proposed Municipal Grant of Right-of-Way with PPL and noted this was the one that was more connected to the question about getting the lights done at Memorial Park. He explained that initially, his understanding was they were looking for additional right of way to put in facilities for Wilsbach. When Mr. Washinger went back to them to discuss compensation, it was determined that they are just adding to the existing facilities, not asking for additional right of way from the Township. A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve a Municipal Grant of Right-of-Way with PPL Electric Utilities Corporation. The motion was unanimously approved.

#### Resignation of Derek Weinoldt

A motion was made with Vice President Truntz, seconded by Commissioner Paul, to accept with thanks for his service the resignation of police officer Derek Weinoldt effective May 2, 2021. The motion was unanimously approved.

#### Addendum: Stipulation and Joint Motion re: tax assessments

Solicitor Henninger referenced the addendum to the agenda, as mentioned previously. Back in 2019, Colfin 2019-21 Industrial Owner LLC purchased three warehouses. The Township received a transfer tax due to that transaction. The Middletown Area School District then appealed the tax assessment on these three properties, because they were being taxed on the value of about half of that amount. After two years of negotiating, a proposed stipulated agreement was reached. The County is also comfortable with it. Bottom line is it will increase the assessed value by about 7.4 million. This will result in about \$32,000 a year in additional real estate taxes to the Township. Solicitor Henninger recommended approval.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Stipulation and Joint Motion for Agreed Upon Order relative to tax assessments for the year 2020-2021 for Tax Parcels 36-013-105-000-0000 (600 Hunter Lane),



36-013-141-000-0000 (100 Capital Lane) and 36-013-139-000-0000 (500 Industrial Lane). The motion was unanimously approved.

FINAL COMMENTS:

Commissioner Davies thanked the residents of Rosedale Manor for coming out tonight and advising the Board of the issues down there. He noted it is important to make sure things are done correctly. He also thanked the Fire Department for providing an update this evening.

Commissioner DeHart reported that he is hearing concerns from the residents regarding the status of The Pond project, and noted it is important to make sure bonds are in place in case something happens. He also thanked everyone who did their civic duty by voting yesterday.

Vice President Truntz congratulated Commissioner DeHart and Commissioner Paul on their victories at the Primary Election yesterday, and also thanked those who came out to vote.

President Wilt also congratulated Commissioner Paul and Commissioner DeHart on their wins in the primary. He thanked those who participated in tonight's meeting. President Wilt requested an executive session immediately upon conclusion of this evening's meeting for personnel reasons.

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 8:46 P.M.

ATTEST:

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

Jean R. Arroyo, Secretary

**PLEASE PRINT NAME CLEARLY**

**MAY 19, 2021 LEGISLATIVE MTG. -- 7:00 P.M.**

[illegible]