

## MINUTES

### NON-LEGISLATIVE MEETING – MAY 3, 2023

The May 3, 2023 Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt.

The following officials were in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Michael J. Davies, Commissioner
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
- Zachary Border, Manager
- Jean R. Arroyo, Secretary
- Brett Flower, Eckert Seamans, Solicitor
- Richard Snyder, Planning and Zoning Coordinator
- Brian Davis, MS4 Coordinator
- Dominic Visconti, Chief of Police

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

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

### PUBLIC COMMENT

Robert Louer, 1921 Powderhorn Road, explained that he had called the Township over a year ago because he wanted to get a few chickens for his children. He was referred to Chapter 2 of the Township Ordinances, and in that section his property clearly met those regulations. He now has the chickens at his house and started clearing space for the small coup when he was approached by a neighbor asking if he had a permit. Mr. Louer explained he immediately called the Code Office and was informed that he did indeed need a permit. He applied for the permit the same day, and a few days later received a call saying he could not put a coup up due to Chapter 27, General Zoning Regulations, which states: "Agriculture Farms and Gardening. The tilling of the soil, raising of crops, the keeping of livestock, poultry and the processing of dairy products, horticulture and gardening, shall be permitted in any district providing, that only gardening, incidental to residential uses shall be permitted on improved lots located in a

subdivision plan approve by the Township.” Mr. Louer stated that this is clearly worded to prevent someone from starting a farm in a subdivision and running a commercial operation. It also conflicts with Chapter 2 – Animals, which states chicks are considered a small animal. Mr. Louer asked the Board to consider changing Paragraph 1 of Section 27-2002. Use Regulations to state as follows: “..... providing, that only gardening and the keeping of animals outlined in Chapter 2, Part 1, incidental to residential uses, shall be permitted on improved lots, located in a subdivision plan approved by the Township.” This will prevent the two ordinances from conflicting with each other, yet still meet the intentions. Mr. Louer added that his property is several acres and can clearly sustain some chickens; he provided the Board with a photo of where he plans to put the coop and a plot map. President Wilt noted the Board will have to further discuss this with the Codes Department. Mr. Louer noted that in the meantime, he purchased chickens based on what he was told by the Township. He stated his opinion is that it wasn’t interpreted properly, as chickens are often considered pets. He provided the Board with a copy of an article regarding a ruling on a similar case from a judge in Pennsylvania. Vice President Truntz stated the Board must be careful not to set a precedent. He thanked Mr. Louer for the information and agreed the Board needs to further discuss this with the Code Department.

Jason Fullmer, 227 W. High Street, Middletown Borough, stated he is manager for the Middletown Twins which has used the Little Hollywood field for several years now. The season starts in July, and he was informed by the new President of the Lower Swatara Athletic Association (LSTAA) that the Township must now approve this use. LSTAA is not endorsing this use since they helped purchase a new mound and are concerned about damage to the field. Mr. Fullmer stated the Middletown Twins is comprised of mature adults, including Senator Rothman, and no one causes any problems. This is the only field that has lights, and in the past, the former LSTAA President provided him the codes to turn them on. Commissioner Paul stated he would like to know who provided approval in the past, since this was never presented to the Board. He added that it costs money to turn those lights on. Mr. Fullmer stated that to his knowledge, there has been payment made to the Township for the field use and lights. President Wilt asked how many of the players are Township residents. Mr. Fullmer responded he would have to look into this. President Wilt noted that Senator Rothman is from the west shore, and suggested perhaps he can help- find the group a field in that area. Mr. Fullmer explained it is very difficult, because more and more municipalities are not allowing use of their



fields. Commissioner DeHart asked Mr. Fullmer if he knew how much money the team paid the Township. Mr. Fullmer stated he was told the fee paid was \$50 a night, or \$25 for a day game. Commissioner DeHart and Commissioner Paul both questioned who set this fee. Vice President Truntz stated he is disappointed by Mr. Fullmer's approach and was told that both Ms. Arroyo and Mr. Border received very aggressive phone calls from him. He added that Mr. Fullmer then made contact with Senator Rothman, which resulted in a call to Vice President Truntz from his state representative. Then, a day after that, he received a call from the current LSTAA President stating that Mr. Fullmer aggressively approached him after a baseball game.

Solicitor Flower explained this is not on the agenda, so there will be no official action taken tonight. Commissioner Paul stated he would like to know when the league started to use the field and more history on this, especially the use of the lighting. Lighting is never to be turned on without the Township's approval; taxpayers of the Township should not be expected to pay the bill for this. Commissioner DeHart asked if they had provided proof of insurance for the use, as this is always a requirement for use of a Township field. Solicitor Flower advised Mr. Fullmer that the requirements are on the website. Mr. Border directed him to complete the appropriate paperwork in order for the Board to consider this request. Commissioner Paul added that the new President of the LSTAA is simply trying to do the right thing, as the Board must make the decision to grant use of Township property. Commissioner Paul advised Mr. Fullmer that the Board is in the process of revising its fee schedule, and this could happen at the next meeting. President Wilt stated submission of the paperwork will not mean automatic approval, so Mr. Fullmer should have a backup plan. Vice President Truntz summarized the two concerns of LSTAA are how this use could impact its own fall league schedule – 99% of those players are from the Township and the extent that adults playing on the field would unduly wear the mound and create additional maintenance issues that would extend to the Township.

#### APPROVAL OF MINUTES

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the April 5, 2023 Special Joint Meeting between the Municipal Authority and Board of Commissioners. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Minutes of the April 19, 2023 Legislative Meeting. The motion was unanimously approved.

#### WAWA PLAN

Attorney Esch McCombie, McNees Wallack and Nurick and Jeff Brown with Dynamic Engineering, presented the Preliminary/Final Land Development Plan for Wawa which proposes to construct a 6,049 SF convenience store with 6 fuel dispensers under a canopy, a 2,454 SF quick serve restaurant, and associated site/stormwater improvements located along West Harrisburg Pike (PA-230). The Planning Commission recommended approval of the plan with stipulations. Department staff recommends conditional approval subject to providing Lower Swatara Township with a copy of all approvals relative to the sanitary sewer improvements (including PADEP's Sewage Facilities Planning Module. There are also two waiver requests associated with the plan: a waiver request relative to Section 22-404 & Section 22-406 – Preliminary Plats and a waiver request relative to Section 22-605.A.2 – Storm Sewer Pipe Type.

Commissioner DeHart asked if they plan to put sidewalk on the Route 230 side. Mr. Brown explained that there is an existing potential walk and they will tie into that to provide access along the full frontage of the site. Commissioner DeHart observed one plot shows a 45' tractor trailer drive aisle to go around the building. Attorney McCombie explained that will be a tractor trailer to provide fuel to the site. Commissioner DeHart expressed concern about the possibility of a 53' truck pulling in there and getting stuck. Attorney McCombie stated this is compliant with the previous Wawa prototype layouts as far as standards for dimensions for drive aisles.

Commissioner DeHart commented that this is a very tight site, using all available space. He suggested it may be good to have signage stating nothing larger than 45' is permitted. Attorney McCombie agreed this could be provided.

Commissioner Davies questioned the specifics of the waiver request for storm sewer pipe type. Mr. Brown explained that in lieu of providing concrete pipe, they are proposing HDP pipe which is more of a current industry standard.

In response to a question from Vice President Truntz, Attorney McCombie stated there is no current tenant for the fast-food restaurant, although there are interested parties.



Commissioner Paul questioned the number of EDU's on the planning module. Attorney McCombie explained that the site currently has allocated 6 EDUS for the convenience store on the sight and is requiring 8 for the Wawa.

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve two waiver requests associated with PC#2022-10 Wawa (as recommended on March 23, 2023 by the Planning Commission): a waiver request relative to Section 22-404 & Section 22-406 – Preliminary Plats and a waiver request relative to Section 22-605.A.2 – Storm Sewer Pipe Type. The motion was unanimously approved.

A motion was made by then made by Commissioner DeHart, seconded by Commissioner Paul, to conditionally approve the Preliminary/Final Land Development Plan for Wawa subject to the following conditions: provide Lower Swatara Township with a copy of all approvals relative to the sanitary sewer improvements including PADEP's Sewage Facilities Planning Module, address all outstanding administrative items and posting of the financial security, and install a 45' restriction on trucks. The motion was unanimously approved.

#### PCCD SUBAWARD GRANT

Chief Visconti asked that the Board accept a Pennsylvania Commission on Crime and Delinquency (PCCD) subaward grant in the amount of \$90,003.00 for the Local Law Enforcement Grant Program. Certain documents must be signed to move forward with this award. Commissioner Davies observed a relatively small part of the grant relates to cadet tuition fees. Chief Visconti confirmed that this is to enhance recruiting efforts. A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve acceptance of a Pennsylvania Commission on Crime and Delinquency (PCCD) subaward grant in the amount of \$90,003.00 for the Local Law Enforcement Grant Program

#### FINANCIAL SECURITY ADJUSTMENT #2 FOR PHILLIPS SITE IMPROVEMENTS

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Financial Security Adjustment #2 for Phillips Proposed Site Improvements, in the amount of \$2,668.00, from \$2,668.00, leaving a zero balance. The motion was unanimously approved.

### PURCHASE OF 2023 FORD F250

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the purchase of a 2023 Ford F 250, in the amount of \$66,587.000, from Maguire's Ford. Mr. Border confirmed this is a Costars' bid and will replace a 1999 truck. The motion was unanimously approved.

### DEPARTMENT REPORTS:

#### *Planning and Zoning/Codes Department:*

The Zoning Hearing Board is scheduled to meet on May 24 to hear a special exception and two variances.

The Planning Commission has been busy with several plans: Wawa, which was given a conditional approval earlier this evening, the Fox Subdivision which will be on the May 17 agenda of the Board of Commissioners, Oberlin Rd. – Aberdeen which will be present at the next Planning Commission meeting to discuss the traffic impact study and how it would relate to any improvements along Route 441 and the intersection, and a Land Development application for the Catherine Hershey School also at Route 441 and Fuling Mill Road.

Statistics for the month are as follows: 1 commercial permit, 2 residential permits, 2 sign permits, 6 zoning permits, 2 street cut permits, and 2 sewer permits.

Mr. Snyder reported that the proposed solar ordinance was on the May 1 agenda of the Dauphin County Planning Commission and will be before the Board of Commissioners at its May 17 legislative meeting. A comment letter was received from the County and forwarded to the Solicitor. Mr. Snyder noted there is one comment that he would like to discuss with the Board regarding the suggestion for the potential to pursue Solar Grazing. This would be establishment within the agricultural zones or larger farms to have livestock graze under those solar panels. Attorney Flower explained that the proposal is for the primary solar use to be in the Mineral Recovery, Industrial 1, Airport Industrial, and Manufacturing Limited zones. Agriculture is a permitted use in all of those except for Airport Industrial. Therefore, if this is included, the underlying ordinance would not require any level of updating to allow the grazing in Mineral Recovery, Industrial I and Manufacturing Limited. Commissioner DeHart stated he prefers the original proposal. The Board agreed they would prefer to pursue the original draft ordinance.



Mr. Snyder added that most of the other comments and suggestions from the County are already addressed by the current zoning ordinance.

*MS4/Stormwater Department:*

Mr. Davis reported that the rain garden in Shope Gardens continues to undergo rehabilitation by staff. Additional plantings are on hold until the cattails have been removed and new mulch has been placed.

The Stormwater Department would like to host an MS4 workshop in June or July. Focus will be on general education about the importance of stormwater management, specific stormwater projects the Township has undertaken, and how the stormwater fee is being used and benefiting the residents. Commissioner DeHart asked how residents will be notified of this. Mr. Davis stated he will work with Ms. Arroyo to post this on Facebook and perhaps include the notice as an insert in the sewer bill mailing.

Commissioner Paul referenced maintenance in some of the larger commercial industrial areas that have detention facilities. He observed that there is one off Kreider Drive that doesn't look very good. Mr. Davis agreed that some of these do not look the best but function perfectly fine. He added that he hopes to do some drive-around inspections early this summer. Commissioner Paul agreed to provide Mr. Davis with the areas he has concerns about.

ENGINEER'S REPORT:

Mr. Fabian reported that a substantial walkthrough was completed for the Fulling Mill Road Boat Launch Facility. A punch list was created for the upcoming close out of the project.

The Municipal Authority awarded the bid for the Bryn Gweled Infrastructure Replacement as well as the bid for the Hanover St./Meade Ave. Stormsewer Outfall Repairs at its April 24 meeting.

Modification of the design for the final stormwater management was completed for the Richard L. Shireman Park site and the design is advancing.

An update was provided on the 2021 Storm Sewer Replacement Project. The contract with JVI is waiting for the finalization of the landscaping item on the punch list for 215 Delmont and 217 Delmont and Greenwood Circle; the contract can then be closed. Nissley and Spring Garden Subsurface Utility Engineering results found water line and gas line clashes that cannot be resolved through engineering adjustments. Mr. Fabian reported that Veolia has indicated they are

experiencing significant supply chain issues which will delay both the Nissley and Spring Garden and Bryn Gweled relocation. Because of the delays, Nisley and Spring Garden were not bid with the rest of the 2021 drainage improvement projects, but could be bundled together with the bid for the Woodridge tie-in.

The punch list for the 2022 Paving Project remains to be addressed before the contract can be closed out and final payment can be processed. There are still ADA ramps that need to be replaced. Mr. Fabian added the ADA work has been the biggest challenge. In the future, he recommended all the flat work be in a separate contract well ahead of any of the paving work. Commissioner Paul stated that some of the roads, where the two lanes are joined together in the middle, look awful. He asked if they should be sealed. Mr. Fabian explained this was discussed at the substantial completion walkthrough since Mr. Washinger had the same concern. They indicated that there was more overlap which required it to be hammered in order to have less potential for separation. Visually, it does look bad but does comply with PennDOT specifications.

The GP-11 permit for the Fiddler's Elbow Box Culvert Replacement was approved by DEP. Coordination with utilities is underway to make sure there are no conflicts prior to finalization of the bid package. Mr. Fabian suggested this project be done over the summer of 2024 while school is out.

As previously reported, Woodridge was awarded a local share grant for funding for the basin tie-in off of Spring Garden. The Township should begin moving forward with preparing the design for the right of way work, the basin connection work, and moving this project forward. Mr. Border added that he had talked to the County today. The first batch has to be done by March of 2024; there are three years to spend all of it.

Coordination of the final invoice and close out documentation with PennVest for the Rosedale Manor Stormwater PennVest loan is complete and PennVest will be performing its review and will initiate closeout.

Mr. Border addressed the hazard mitigation grant for home buyouts and stated the Township is still working with FEMA and PEMA. He explained that there was a sample deed restriction provided. If the grant is approved, this document will be required for the properties to move forward with the buy-out. This will be discussed further with the Solicitor.

Commissioner DeHart referenced an item on Mr. Fabian's written report regarding a Township GIS Database Update. Mr. Fabian explained this is a retainer agreement to get under



contract to provide GIS support for land development and capital improvement projects that have been completed to be entered into the AGOL database. This will ensure the records utilized by Township staff are up to date. Approval of the agreement will be on the May legislative agenda. Commissioner DeHart suggested this updated information also be shared with the Fire Department. Commissioner Paul added that this cost is also justification for the MS4 fee.

Commissioner Paul asked if the Shireman tract will be breaking ground sometime next year. Mr. Fabian confirmed that is the plan. Commissioner Paul stated this is important to know because the Township still must maintain it this year. He also recalled that some time ago, the state representative helped the Township get funding for the boat launch. He asked if anything is in the works for a grand opening. Mr. Fabian responded that the Fish and Boat Commission has requested to do a formal walk of the site after completion, as well as a grand opening. He suggested the Swatara Creek Watershed Association also be invited since they provided a letter of support.

#### MANAGER'S REPORT:

Mr. Border reported that he had included information in the Board packets from several IT vendors. He asked Board direction on this. In the past, there was a committee appointed to review proposals. In addition, all these companies are also willing to meet with the Board. Vice President Truntz asked if the staff is unhappy with the current company. Mr. Border explained that he was informed that a lot of issues were resolved after the company started coming on-site weekly. However, this is an extra cost; the company should be capable of handling these problems remotely. Mr. Border added that he is not pleased with their customer service. Commissioner Davies observed the proposals included in the packet had a number of services offered but did not provide a clear idea of what the Township's specific requirements are. In addition, one is based on 37 users while the other is based on 43 users. After further discussion, the Board agreed to get a committee together of several staff members and Julie Wilt, Commissioner Davies, and Commissioner DeHart to review IT needs and proposals.

Mr. Border also referenced information in the Board packets from Primepoint which provides payroll and timekeeping services. The focus right now is on the electronic timekeeping and timesheets components. Presently, paper time off requests are submitted to Ms. Arroyo to record and then to the manager for signature/approval. Sometimes these requests are not submitted or signed until after the fact. The payroll component will probably not be switched until next year.

Presently the cost for payroll and timekeeping is \$4,046. Both proposals from Primepoint come in at about \$3,400. Commissioner Davies asked if the electronic timekeeping would involve employees logging into a website. Mr. Border agreed that it would require this; employees would log in to request time off and to submit timesheets. Commissioner Paul asked if this would require all employees, including Public Works, to go online to complete requests and timesheets. Mr. Border agreed each employee will be responsible for their own time. Commissioner Paul suggested ensuring everyone is happy with the system so there is not another change made. Mr. Border noted approval of this will be placed on the next agenda.

In response to a question from Vice President Truntz, Mr. Border agreed to coordinate the grand opening of the boat launch. Commissioner Davies pointed out that there is an issue right now with people parking between the railroad tracks and the creek instead of the parking area. He suggested some additional signage may be required. Mr. Fabain agreed there are a few items that need addressed yet, including the drop-off/bump that Commissioner DeHart had expressed concerns about.

The May legislative agenda will include revised park rules and regulations. Commissioner Paul suggested any input from the commissioners be provided to the Solicitor, as this item needs to move forward as soon as possible. Solicitor Flower noted two resolutions will be prepared including a revised fee resolution and a resolution adopting park rules and regulations.

Mr. Border referenced previous discussion about Sylvia Street, and informed the Board that a demonstration using the asphalt zipper on this street is scheduled for June 22 at 9 AM. Commissioner Paul questioned specifics on the RoadBotics procedure. Mr. Fabian explained that this procedure involves running a video recording with a phone with an eye process that evaluates the pavement. It provides more data with less effort at a significantly lower cost. Mr. Border added that this data can also be put into the Township GIS. Mr. Fabian stated that he really favors this technique – the cost is \$12,000 versus a \$40,000 cost.

#### GOOD AND WELFARE:

Commissioner DeHart asked if the Township can possibly get a digital newsletter out this summer. Mr. Border agreed to pursue this.

Commissioner Davis thanked everyone who came out and provided comments, including comments about language in some of the ordinances that may not mesh as well as it could.



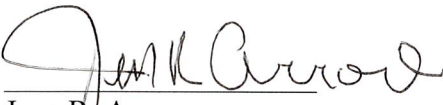
Vice President Truntz requested a brief executive session immediately upon conclusion of this evening's meeting in order to discuss intermunicipal agreement negotiations.

President Wilt thanked the Fire Department for hosting a very nice annual recognition dinner; Commissioner DeHart was recognized that evening for his many years of service.

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 8:50 P.M.

ATTEST:

  
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Jean R. Arroyo  
Township Secretary

**PLEASE PRINT NAME CLEARLY**  
**BOARD OF COMMISSIONERS**  
**MAY 3, 2023 WORKSHOP MEETING**

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