

## MINUTES

### NON-LEGISLATIVE MEETING – MAY 4, 2022

The May 4, 2022 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
- Betsy McBride, Township Manager
- Jean R. Arroyo, Township Secretary
- Michael McAuliffe Miller, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Scott Washinger, Public Works Manager
- Kaylee Justice, Planning and Zoning Officer (via Zoom)
- Brian Davis, MS4 Coordinator

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

PUBLIC COMMENT: None

### APPROVAL OF MINUTES

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the April 20, 2022, Legislative Meeting. The motion was unanimously approved.

### ASSET MANAGEMENT COMPONENT

Ms. McBride reminded the Board that the Caselle Asset Management application was discussed at the last meeting. At that time, she had referenced the possibility of partially paying for this through the STMP (formerly EIP) grant. Unfortunately, they are out of funds for the year. She noted the expense, however, is minimal. A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Caselle Asset Management application component to the current integrated accounting system. The motion was unanimously approved.

#### RESIGNATION OF BETSY MCBRIDE

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to accept the resignation of Betsy McBride effective May 14, 2022. The motion was unanimously approved.

#### RETIREMENT OF JEFFREY ASH

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to accept the retirement of Jeffrey Ash effective May 31, 2022. The motion was unanimously approved.

#### SEPARATION OF EMPLOYMENT OF DAVID GELABERT

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the separation of employment between Lower Swatara Township and David Gelabert effective April 26, 2022. The motion was unanimously approved.

#### DEPARTMENT REPORTS:

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

Kaylee Justice referenced the monthly report delineating active projects. She noted that there will not be a Zoning Hearing Board meeting this month. The Planning Commission is scheduled to meet on May 26. Ron Burkholder recently passed the Residential Building Inspector examination.

There was discussion at the last Municipal Authority meeting regarding updating the language of the O&M Agreement to provide more specificity. Commissioner Davies asked what "O&M" refers to. Mr. Fabian explained that it stands for Operations and Maintenance.

##### *Public Works Department:*

Mr. Washinger thanked the Public Works crew for getting the fields ready for Opening Day. They did an excellent job, especially being short-handed. Vice President Truntz agreed everything was in great shape, as usual. Mr. Washinger added that he continues to work with Athletic Association on their plans and projects. All playgrounds, except Market Street, have been resurfaced with new wood carpet. New basketball hoops and poles were added to the Market Street Ext. playground. The sweeper is in operation; sweeper debris was removed by Pruitt Trucking on

April 12. Seasonal mowing has started. Potholes are being addressed as weather permits. Trash removal in parks is more frequent, about twice a week. Sanitary and cleaning supplies are adequate.

Commissioner DeHart referenced the potholes at 1300 N. Union St. and asked if they had been addressed yet. Mr. Washinger stated he believes they were.

*MS4/Stormwater Department:*

Discussion on stormwater joint ventures

Vice President Truntz stated he would first like to thank Mr. Davis for his patience at the Municipal Authority meeting last week, where a lot of questions were thrown at him. Mr. Davis stated that the questions and discussion was very informative and useful to him.

Mr. Davis explained he will be addressing two projects tonight, both of which were discussed at the Municipal Authority meeting referenced by Vice President Truntz. One of these was tabled and the other had a motion which died. The Municipal Authority members have mixed reactions to the projects but did provide good feedback which he was able to take to the County and Erin Letavic of HRG who massaged the WREP agreement.

The first project considered is a partnership with PennDOT and the PA Turnpike to do a stream restoration within Lower Swatara Township. Just north of Lisa Lake, across from Reservoir Park, there is a large stretch of woods with a stream running through it. The project would restore the stream banks and natural flow of the stream on that property. The Turnpike and PennDOT are working with an engineer, RES, which has already had talks with the property owner who has apparently granted the necessary easements for them to do the work. It appears there is a good opportunity for the Township to join in on this and obtain a large amount of sediment load credits for its MS4 program. This would be at a much cheaper price point that the Township could do itself. The downside to this opportunity is that it may not happen before the end of the current permit cycle. DEP has not gotten back to RES yet regarding whether the project can be credited to this permit cycle if it under construction but not completed. The good news is that even if the Township participates in the project and it does not get done in time, any credits from this project can be carried over into the new permit cycle.

The second project for consideration is a partnership with Londonderry Township and some other local municipalities for a stream restoration in Londonderry Township – the Conewago Creek Restoration. This stream is also heavily eroded; the project would be primarily restoring the stream to a much more natural flow. This project also has the opportunity for a large amount of sediment



reduction credits and will get done before the end of the permit cycle. Mr. Fabian added the project has accelerated, and work started this week. Mr. Davis explained the Township can still join in, provided it gives an answer by the end of this month. The price point is also significantly lower than the Township could do itself. The Municipal Authority had two major concerns about this project. The first is that the project does not technically exist within the Township boundaries but is in Londonderry Township. There has been some ongoing debate about how much it benefits Lower Swatara residents. The other major issue is that to participate in this project, the Township will have to join a new county-wide program called WREP (Water Resource Enhancement Program).

Mr. Davis noted he included the original WREP agreement in the Board packets. Ms. Arroyo subsequently emailed the Board the recently revised agreement. Mr. Davis explained the WREP is an opportunity for all the municipalities to work together and concentrate their efforts towards a holistic view of stormwater in the local community. More intermunicipal projects, such as this Conewago Creek Restoration, could be done. Joint services would also be available from the County for certain stormwater activities such as BMP inspections, possibly outfall inspections, GIS mapping, etc. These would benefit the Township financially.

Mr. Davis explained his major concern was that the Township would have to join for 5 ½ years – until 2028 – and there is an annual contribution that has yet to be determined. The amount will be determined by the first group of municipalities that join. The Municipal Authority also had concerns about joining a program and not knowing the associated costs. After getting some feedback from the municipalities, the County has made some revisions to the WREP agreement. One of these changes would allow the municipalities to leave the program at the end of every permit cycle. Next year is the end of the Township's current permit cycle. In theory, the Township could leave before it will need to make any contributions, if it deems participation is not financially beneficial. This is a huge advantage. In addition, any mention of a formula for calculating the annual contribution to the County has been removed. The contribution and services offered by the program will now be determined using input from the founding municipalities after approval from the County Commissioners. Mr. Davis explained staff is still trying to nail down the exact cost savings as well as what the Township can financially afford to do. He and Ms. McClain will be meeting to review the stormwater funds. A clearer picture should be able to be provided to the Board at the legislative meeting in order for the Commissioners to make a more informed decision.

Commissioner DeHart referenced the cost for the Township's projects and asked if the range is \$900,000 to \$1,200,000. Mr. Davis explained it could be more. To do all the work using the current projects would be about \$900,000. However, after surveying, HRG has concerns that one of the stream restorations will not be as long as initially thought. That would require an additional project(s) that would be more money on top of the \$900,000. Mr. Davis anticipated it would be over \$1,000,000 to do the work ourselves. Commissioner DeHart stated that this work is not guaranteed to be done in time. Mr. Davis agreed; at that time, the Township would be doing four projects in the extent of a year. Commissioner DeHart summarized that the Township is looking at some projects that it can do, and these projects may or may not make the current deadline. Commissioner Paul added that the deadline may be extended. Mr. Davis agreed and stated that he will be contacting DEP to attempt to get a clearer answer on this. Mr. Davis stated that his opinion is that the best alternative is to participate in the Conewago Creek Restoration project. This, however, will be a Board decision which should be decided at the legislative meeting. In the meantime, the Township is continuing to move forward with the planning and discussions with Penn Vest for the stream restorations projects at the Middletown School District and Hershey Creamery. Mr. Fabian added these also offer potential opportunities for the WREP program to offer as candidates for the next round.

Mr. Davis added that it is worth mentioning that neither of these two projects would require the Township to be the permit holder. The Township basically gives a certain amount of money to the permit holders, and they absorb all responsibility for construction costs, delays, change orders, long term operations and maintenance, etc. There are many benefits, although the savings are unknown as the WREP agreement is still changing.

Commissioner Paul inquired if his understanding is correct that it would cost the Township \$500 to participate in the Londonderry project. Mr. Davis stated the cost would be \$468,000. Commissioner Paul clarified that he was referring to \$500 to sign into the project. That along with the \$468,000 to do the project would take care of the Township commitment for this cycle. Mr. Davis confirmed that is correct and noted that ordinarily the cost would be over \$1,000,000. In response to a question from Commissioner Paul about credits for the next cycle, Mr. Fabian explained it is difficult to answer questions about the next cycle since DEP has not released the requirements yet. Mr. Davis added that most of the costs for the PennDOT/Turnpike project would



probably have to be paid upfront. The Conewago Project offers an installment plan allowing costs to be spread out.

Commissioner Davies asked the purpose of the \$500. Mr. Davis explained that it is basically a fee to set up the program and includes legal discussions and massaging of this agreement.

President Wilt asked what spending these funds will do for the environment versus letting Mother Nature take its course. Mr. Fabian explained that with the Conewago project, about a mile downstream there was an old dam that has since been removed. Over the 200 years it was in operation, flooding resulted in the depositing of sediment on the edges of the stream to the point where it filled multiple feet of sediment where the historic flood plain was. All of this has been filled with sediment, so it has lost about 130,000 cubic yards storage for flooding within that floodplain. This project will restore the historic floodplain, providing additional capacity. President Wilt asked what will be done with the sedimental that is removed. Mr. Fabian explained there is a company that sells engineered soil who will take most of it. There are also talks with local farmers who may be interested.

Vice President Truntz asked if the \$468,000 for this project includes membership in the consortium. Mr. Davis explained the number he quoted to the Municipal Authority does include the \$500 fee. Vice President Truntz observed there is an annual fee involved with the consortium. Mr. Davis agreed this is correct. The annual fee is not included right now because in theory the Township does not have to pay that that if it pulls out of the WREP. The \$468,000 quoted is just for the project itself. Moving forward, after 2023 there will be an annual fee to stay within the WREP. In response to a question from Vice President Truntz, Mr. Davis anticipated that the fee will be much more than \$500. Again, the Township may decide to pull out before it must pay the fee.

Vice President Truntz stated, for the record, that the issue he has is the Township essentially has a rain tax. MS4 was thrust upon the Township, forcing it to impose a fee on the taxpayers. This is in addition to the sewer payment. Now the Township is accumulating this additional money and will have to tell the taxpayers that it will not be spent in Lower Swatara. He stated this is very frustrating. Mr. Davis agreed he shares this concern, although there is the argument that this saves taxpayer money that can then be reinvested to do more crucial projects. It is also worthwhile noting that residents do travel outside the municipality, and these projects impact the whole community.

Commissioner DeHart asked if Dauphin County is putting any money into the project. Mr. Fabian explained he does not know the specifics; this would be a question for Erin Letavic. He noted his understanding is they intend to purchase the remaining shortfall to make all three phases of the project happen. Right now, two phases are full funded for construction, so there is still a shortfall. Commissioner DeHart suggested the Township may be able to apply for a casino grant to help reimburse some of its costs.

Solicitor Miller asked when a decision needs to be made on this participation. Mr. Davis explained that the end of this month is the deadline. Solicitor Miller noted this means one voting meeting to decide, and the Board seems to have more questions than staff has answers. Mr. Fabian stated that Ms. Letavic will be in attendance of the next meeting to answer questions. Mr. Davis added that after tonight's meeting, he will be in touch with her to provide feedback from the discussion. Solicitor Miller suggested that for the Board to make a decision at the next meeting, more information be provided as soon as possible for the Commissioners to digest prior to the meeting.

Commissioner Davies commented that restriction of this waterway causes enormous flooding all the way north of Route 283. The restoration project offers the Township the opportunity to obtain credits. It does make ~~sense~~ economically. He agreed, however, that he is not comfortable with the unknowns as far as the numbers go. Commissioner Davies added that he recently had the opportunity to speak to the Secretary of DEP who confirmed that DEP is encouraging these kinds of cooperative projects.

Vice President Truntz commented that he had mentioned at the Municipal Authority meeting that a major component will be public education. Residents need to understand what is being done to be in compliance and why it is being done. He encouraged staff to keep this in mind. Mr. Fabian stated that Londonderry Township is creating a story map of the process. That will be something that can probably be shared with the residents via a link. Londonderry Township is also taking efforts to acquire property within the restoration which would make that publicly available. After the restoration is complete, there should be fishing access which will also benefit the Township residents since it is a short drive to the site.

Mr. Davis noted there is obviously a lot to digest. He asked that the Board feel free to email him with any other questions or concerns which he will pass on to Ms. Letavic. Commissioner Paul asked if the Township does decide to partner with the County and pay the yearly fee, would



that fee vary for each municipality. Mr. Davis agreed that it would. The original WREP draft contained a formula for calculating the annual contribution to the County. This has since been removed. It will now be determined using input from the founding municipalities but will probably be a similar formula.

Dale Messick asked if the permit cycle ends in 2023. Mr. Davis confirmed it does. Mr. Messick remarked that Conewago borders Lancaster County and asked if they are involved at all. Mr. Fabian explained that Dauphin County is taking the lead in this WREP. Lancaster County, through its Clean Water Partners, is providing a grant to the project to complete the funding necessary for Phase 2. Mr. Messick asked the number of credits the Township needs. Mr. Davis explained he uses the term credits, but it is actually annual pounds of sediment, which is 234,000 pounds. The Township can easily buy all the credits it needs from Londonderry. Mr. Fabian explained that if all the projects that are currently planned move forward, the Township is about 300' shorter on the one stream restoration than anticipated, or shy of 14,000 pounds of sediment.

#### MANAGER'S REPORT:

Ms. McBride referenced an email she received this evening from Nancy Avolese of the Lower Swatara Township Historic Preservation Society (LSTHPS). The Historic Society would like to become the caretakers/adopters of the Richard L. Shireman Park and has submitted the application to the Keep PA Beautiful group, pending final LSTHPS approval and approval by the Township. Ms. Avolese is requesting this be placed on a future agenda. Ms. Avolese noted they are aware that it is not actually a park yet, but the group will keep an eye out for trash and continue caretaking of the property for trash clean-up. Ms. Avolese also reported that LSTHPS has been in contact with PennDOT for "Adopt A Highway" and are pending approval for a part of Route 441 from Spring Garden down Oberlin (Messick's farm) and up to Fulling Mill at North Union. Nick Cortez is the PennDOT contact person. Ms. McBride noted more about these two items will be forthcoming.

Ms. McBride reported that she and HRG have worked closely on many of the grants, so she is providing Mr. Fabian's contact information to the grant representatives in the event there are questions that arise.



There is still a vacant Laborer position in the Public Works Department; if the Township can hold off on that until things settle down a bit, it might be best to do so.

#### ENGINEER'S REPORT

Mr. Fabian referenced his written report and noted there are a lot of construction activities going on right now in the Township.

Commissioner DeHart observed some survey work on North Union today. Mr. Fabian explained that this is survey work for cross drains associated with the 2022 Capital Improvement Projects.

Field work for the paving plan was also performed. Mr. Fabian added that Mr. Washinger, Commissioner Paul and HRG looked at Longview from Strites to North Union, which is in falling apart in some places. The intent is to find the most economical way to preserve that ahead of potential developments that may occur in the very near future, as well as what really should happen to fix the road. This will be incorporated into the paving plan. In response to a question from Commissioner DeHart, Mr. Fabian explained he hopes to have the paving plan bid package finalized and ready for advertisement; Board authorization to advertise for bids should appear on the May legislative agenda. Commissioner Paul asked if there is a projected cost for this. Mr. Fabian explained this is what he is working on now.

Mr. Fabian reported that the water company performed some flushing operations in this area, impacting water pressure. They are preparing for the water line raise in front of the caterer on Spring Garden which will occur tomorrow night and necessitate a detour. Ms. McBride added she received a computerized call on her home phone advising her that beginning at 8:00 tomorrow night and continuing through about 4:30 Friday morning, there may not be water service. Commissioner DeHart asked that the Fire Chief be made aware of this detour.

Vice President Truntz observed that the paver used for the work on Scarlett is still sitting in the cul-de-sac; he asked if it could be relocated. Mr. Fabian agreed to speak to the contractor.

Mr. Fabian reported that there is an opportunity for a Commonwealth Financing Authority Greenway Trails and Recreation Program Grant. The Township applied for this grant for Shireman last year but was unsuccessful. Now that the business plan is moving forward, it might be worthwhile to pursue this again. If the Board is interested, a resolution for the submission should be prepared for action at the next meeting. The Board expressed no objection to this.

#### EXECUTIVE SESSIONS ANNOUNCED:

President Wilt announced that the Board had convened in executive session on April 25 for personnel reasons. He also requested an executive session this evening for personnel reasons.

#### GOOD AND WELFARE:

Commissioner DeHart thanked everyone for coming out, and thanked Ms. McBride for the good job she did over the last four years, which were challenging years for everyone. He wished her well. Ms. McBride responded the Board gets kicked around a lot, which is normal for all boards, but noted they have been a pleasure to work with and she would recommend the job to anyone considering it.

Commissioner Davies also thanked Ms. McBride and noted she was a pleasure to work with and will be missed. He commented that if she has a chance to work here in the future, the Board would be glad to have her experience. He thanked the public for their input tonight, especially on the new water resource management plan. Commissioner Davies stated he wished the numbers were more concrete, and a longer time frame was provided to make these important decisions. Working cooperatively on projects, however, does seem to be the wave of the future.

Commissioner Paul asked Ms. McBride if there is any update on the outsourcing of payroll. Ms. McBride responded that Commissioner DeHart had request another bid or two, and Ms. McClain will have this information ready for the next meeting. Commissioner Paul also suggested that with Ms. McBride's resignation, a meeting be scheduled with her, Ms. McClain and the Finance Committee to review things. Commissioner Davies suggested meeting Tuesday. Commissioner Paul also reminded everyone that the Lower Swatara Neighborhood Car Cruise is scheduled for May 7, weather permitting. It will begin at 2:00 P.M. at the Old Reliance Park and terminate at the Fire Station.

Vice President Truntz commented on the Conewago project. He noted that he is supportive of environmental efforts but is concerned when projects with astronomical prices come up and yet the Township has no control over them due to mandates. This creates an unfair burden on the Township and its taxpayers and is very troubling. Vice President Truntz also thanked Ms. McBride for everything. He noted it was a pleasure working with her, and he learned a lot from her. He wished her well and asked that she keep in touch.

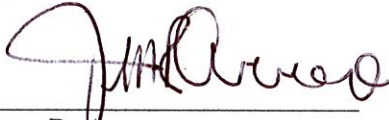


President Wilt also expressed his concern with these environmental mandates. He thanked Ms. McBride for her time here, and stated he had a good working and personal relationship with her and appreciated all she has done.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Vice President Truntz, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:12 P.M.

ATTEST:

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

Jean R. Arroyo  
Township Secretary

**PLEASE PRINT NAME CLEARLY**  
**MAY 4, 2022 WORKSHOP MEETING – 7:00 P.M.**

[illegible]