

## MINUTES

### NON-LEGISLATIVE MEETING – MAY 6, 2020

The May 6, 2020 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 via Zoom.

The following officials were in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner (not present at roll call; arrived at 7:20 PM)
- Betsy McBride, Township Manager
- Jean R. Arroyo, Township Secretary
- Peter R. Henninger, Solicitor
- Shawn Fabian, HRG
- Ann Hursh, Planning & Zoning Coordinator
- Lester Lanman, Public Works Director
- Daniel Tingle, Acting Chief

Residents and visitors in attendance through Zoom or by phone:

*(\*\*Access links/phone numbers were listed on the Township's website prior to this meeting, and the names listed below are as they appeared on the conferencing service)*

Laura Hayes (Press & Journal), Linda Mehaffie, Joann Harter, Tony, Ryan Lesko, Township Resident, Bobby Appleby

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

PUBLIC COMMENTS: None

### APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Minutes of the April 15, 2020 Legislative Meeting. The motion was unanimously approved.

#### REQUESTS FOR FUNDING:

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve Request for Funding No. 31 (DCIB 2017 loan) in the amount of \$150,033.59 to the Dauphin County Infrastructure Bank for the Highland Street Culvert Replacement and Lumber Street Culvert Replacement Project (Payment Application No. 3 from Crilon Corp.) The motion was unanimously approved.

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve Request for Funding No. 32 (DCIB 2017 loan) in the amount of \$4,261.52 to the Dauphin County Infrastructure Bank for the Highland Street Culvert Replacement and Lumber Street Culvert Replacement Project. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve Request for Funding No. 33 (DCIB 2017 loan) in the amount of \$15,503.83 to the Dauphin County Infrastructure Bank for the Highland Street Culvert Replacement and Lumber Street Culvert Replacement Project. The motion was unanimously approved.

#### RESOLUTION NO. 2020-R-9 FOR WILSBACH DISTRIBUTION:

The Board discussed proposed Resolution No. 2020-R-9, a Resolution for Plan Revision for Land Development of Wilsbach Distribution. Solicitor Henninger explained that Wilsbach's request for an exemption from sewage facilities planning for new land was denied by DEP, so they must do a full-blown sewer module. This resolution is required for that submission. He had reviewed the resolution, along with HRG and Mr. Lanman, and it is ready for action. A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve Resolution No. 2020-R-9, a Resolution for Plan Revision for Land Development of Wilsbach Distribution. The motion was unanimously approved.

#### PLANNING AND ZONING DEPARTMENT REPORT:

Ms. Hursh reported that recodification is complete and ordinance books will be distributed shortly. Plan reviews include the following: UPS footing/foundation, D&H plan review for new warehouse, revisions to the Middletown Area School District's athletic fields, Buddy's Run – single family home (2nd permit issued), several decks and fences, and demolition of the Jednota buildings. There were 14 property maintenance complaints received, and most were received the last two



weeks of April. Construction was approved to resume by the Governor's office on May 1, and work is now being done at the Wilsbach property, where the PPL poles are being moved.

A summary was provided on what Mr. Jenakovich and Ms. Condran have been doing, as they work from home. Ms. Hursh noted this has been working out quite well.

The Zoning Hearing Board has received a new application for a variance for building height for a proposed new warehouse at the old Mumma Quarry on the North Union Street site, submitted by Byler Quarries LLC. They plan to come in for a Subdivision Land Development Plan to put a new warehouse on the lot they subdivide. Solicitor Henninger noted he and John Davidson, the Solicitor for the Zoning Hearing Board, discussed this. Zoning Hearing Boards are more difficult to hold as Zoom meetings, since they require testimony and exhibits. Act 15 basically allows the freezing of time limits from April 20 to May 20. He explained that while he doesn't know when this application was submitted, it may be able to be postponed, seeing that the Township Building is not technically open to the public right now. While there is usually 45 days to hold a hearing once the application is submitted, Act 15 would postpone the time frame from starting until May 20, provided they submitted it after April 20. He noted the variance request is to go from a height of 40' to 50', which is a pretty common request and was recently granted to UPS, D&H, Wilsbach, etc. Solicitor Henninger added that he understands Byler Quarries plans to put a warehouse there, adjacent to the quarry. They are not planning to fill in the quarry.

The Planning Commission will meet on May 28 and will discuss the sign ordinance revisions/Star Barn setback issue, as well as the possible submission for Fiddler's Elbow Warehouse Subdivision/Land Development by Byler Quarries.

Complaints include an issue reported by Julie Costik on Woodridge Drive behind the new apartments, specifically regarding water ponding in her neighbor's yard. A site visit determined the water issue was from the neighbors' downspouts being directed to an existing low area on their lot.

A meeting was held with Brian Morgan, Shawn Fabian and the Engineer for the Morgan's Run site concerning outstanding items to get the streets paved and detention basin converted to permanent state. The owner decided that paving now is more beneficial than waiting until Buddy's Run construction is complete due to numerous factors. Homes will be built one or two at a time and the current roads have held up well during construction of Morgan's

Run, so it was agreed by all present that completing the roads now is acceptable. Storm sewers have been flushed and detention basin conversion will be starting soon.

As reported earlier, there has been activity on site at the former Mumma Quarry located south of the UPS site on North Union Street. Byler Quarries is proposing on restarting the quarry operation, subdividing a portion of the site and submitting a subdivision/land development for a new warehouse. As stated earlier, a height variance has been submitted and a Subdivision/Land Development Plan will be submitted shortly. A driveway application has been submitted for a new driveway to the quarry. Commissioner Paul stated it is ironic that this project is coming in now, after 95% of the pumping station design is complete for UPS. He remarked this still does not negate the thought that sometime in the future, there will probably have to be gravity sewer down through that property, down to the creek and down to the point of connection at Fulling Mill Road. He recommended that, at a minimum, this plan be shown to the Municipal Authority to get their input as to the feasibility of that becoming a reality perhaps 20 years from now. Perhaps an easement or right of way should be put on that plan. Solicitor Henninger agreed that the argument can be made that the Township is giving them a break by allowing them to go into that pump station as opposed to forcing them to go gravity down to the creek. In exchange, the Township could ask them to provide a sanitary sewer easement that would allow the Township to potentially flip that pump station to gravity sometime in the future. He added that he would even be okay with putting a time frame on that which expires, perhaps in 20 years.

Ms. Hursh reported that she had worked with Bruce Hulshizer concerning impervious coverage of projects from 2017- present. She added that she had provided the Board with updated information regarding the UPS project, including correspondence from HRG concerning outstanding items for the Municipal Authority.

Ms. Hursh reported that the zoning map was also updated.

#### PUBLIC WORKS DEPARTMENT REPORT:

Mr. Lanman reported that Lumber Street is open again. Highland Street will be open shortly, after the guardrails are installed in a week or two.

An update was provided on the 2020 paving project. Mr. Lanman and HRG are working towards posting the bid documents on PennBid and including the Highland street paving in this



project. Bid advertisement will also appear in two editions of the local paper, with bid opening scheduled for June 4 at 2:00 P.M. Word was received yesterday that the blacktop plants are open, so base repairs for the paving project can start. A lot of storm inlet repairs will also be done in preparation for the UGI "Get Gas" Project in the Twelve Oaks development. A few more deeper inlets in Old Reliance need repaired, so confined space entries must be done to make those repairs.

Parks are still closed to the public. Wood carpet and swing mats have been installed, so the playgrounds will be ready to use once they can reopen. Baseball field have been dragged and diamond-tex placed. Clay bricks are being installed under the pitcher's mound, the batter's box, and the catcher's box areas at Memorial Field and Woodridge. There was some damage to the pavilions from the recent windstorms; repairs were made. Pesticide, herbicide and fertilizer application was made to all the ballfields and the soccer fields. Right of way mowing, park mowing, and street sweeping has begun.

A few more trees were planted at the end of Fulling Mill Road, and there are over 200 more trees coming in a week from a PPL program. Commissioner DeHart asked where these trees will be planted. Mr. Lanman explained that some will go at the end of Fulling Mill Road, and some will go in the Swatara Shores area of the flood lots and possibly in the Jednota Flats area where there is open space. Commissioner DeHart stated he would like to keep most of the area at the end of Fulling Mill Road open for a potential future use. Mr. Lanman agreed that he doesn't anticipate putting anything in the first field towards Fulling Mill Road but rather in the back field by Route 283. In response to a question from Commissioner DeHart, Mr. Lanman verified that some of the trees were straightened and tubes removed from those that didn't make it.

#### MANAGER'S REPORT:

##### COVID-19

Ms. McBride reported the Township has sufficient COVID supplies, at least a three-week supply. Numbers in Dauphin County continue to rise, and everyone on the administrative floor is being as vigilant as possible. The building is sprayed and wiped down on a daily basis. This is done in the administrative, public works, and police areas.

##### Food trucks

Ms. McBride noted that while it is not on the agenda, she would like to address food trucks. Several weeks ago she had received a call from a resident in Shope Gardens wondering why a food

truck was allowed there. Ms. McBride explained that she had checked with the code office and was told there is nothing on the books prohibiting food trucks. Last night there was a food truck in Woodridge, and a similar complaint was received. Ms. McBride noted the Board may be hearing from the residents on this issue, but the fact is there is nothing on the books right now prohibiting them from coming into the Township. They do not need to be permitted by the Township.

#### Police Chief search

Ms. McBride reported there were responses to the advertisement for Chief of Police. A few interviews were already conducted, a few more are scheduled, and the search is underway.

#### Parking issue on Fulling Mill Road

Ms. McBride reported that there is some concern about trucks trying to turn around at the end of Fulling Mill, and vehicles being parked there over the summer. She asked Mr. Lanman to speak on this. Mr. Lanman explained there were issues in the past at that turn-around at the far-east end of Fulling Mill Road, where the boat launch is proposed to go. There is thought about putting some “no parking” signs there. The problem now is that trucks are getting down there and not being able to turn around because people are parked in the cul-de-sac. The trucks are then backing up and turning into a business out there. Commissioner DeHart agreed that this area is a parking area for truckers that come in late or too early and sleep there. This is an issue which gets worse in the summer with people wanting to canoe back there and having no place to park. Hopefully the boat project will help get some parking back there. He added the cul-de-sac is still in bad shape, with a lot of erosion on the eastern side and suggested maybe a few more cones be placed out there. Ms. Hursh remarked that she does have an update on this. Contact had been made with the new owner six months ago, and work was to start in March. The owner indicated that due to the virus, things are on hold but the erosion issue will be addressed as soon as they are able. Commissioner DeHart stated some signage would be good too. Commissioner Paul asked if this cul-de-sac is on private property, PennDot property, or has been dedicated to the Township. Solicitor Henninger suggested that end of Fulling Mill Road is still a PennDot road. Commissioner DeHart noted that when he was on the Planning Commission, that cul-de-sac was recommended by PennDOT when that facility was built. The question is whether it was given over to PennDOT – the circle itself – or just the roadway. He added that if the owner of the company is going to repair the curbing and the drainage on that circle, it must still be private. This brings to question whether the Township can put signs up or not. Mr. Fabian noted that the parcel viewer is still showing that it is private, and



shows the width of the roadway as the PennDOT right of way through that section. Solicitor Henninger recommended staff find that FedEx plan to see what it says and from there determine if there was any dedication of any additional right of way to PennDOT. The question would still be whether the Township can put “no parking” signs or “no trucks” signs on a PennDOT road without approval. Acting Chief Tingle added that the police have observed that during the summer when the creek usage is very high, people tend to park there and completely fill-up the cul-de-sac. Then, when tractor trailers bypass their intended point, they end up stuck down there with no place to turn around. There are some trucks that park down there, which is in violation of another Township ordinance pertinent to trucks over 17,000 pounds. However, it is a bit hard to enforce because there is no signage down there. Chief Tingle agreed the first step would be to determine who is responsible for the roadway. President Wilt asked that staff pursue this item to see what can be done.

#### ENGINEER’S REPORT:

Shawn Fabian, HRG, referenced his written report and provided updates. As Mr. Lanman mentioned, Highland Street can be reopened once the guiderails are installed. The contractor hopes to be in there Friday to do this work, weather dependent.

There has been a lot of dialogue with contractors since construction was opened back up last Friday pertinent to adjusted schedules. The contractor for the Greenfield Park Basin Retrofit and Riparian Buffer Mariner East II project is waiting for commitments from their landscaper on when they can expect trees. They hope to get out there in the next couple weeks. The contractor for the Rosedale Manor Stormwater Project anticipated a late June mobilization. However, there are some issues with Monarch Concrete being closed until this past Friday. This could delay procurement for some of the drainage structures on that project. They are working on an updated schedule now.

A comment came up from Solicitor Henninger as part of the closing with PennVest to see if there was an opportunity to amend some of the contract documents for payment bonds, performance bonds, etc. to name Lower Swatara Municipal Authority as well as Lower Swatara Township on them. Mr. Fabian noted he did talk to Doli Construction to see if they could work with their legal team to get those documents turned around in order to process a change order to accept the revised documents. Solicitor Henninger added that PennVest is now requiring this.

The Bradford Avenue Residential Home Demolition project will also need a revised schedule for mobilization to the field to start construction. They do plan to have the project completed by June 2020. A preconstruction meeting should be held shortly. Mr. Fabian added that after talking to Acting Chief Tingle, it appears that all the PEMA funds were approved and are in a 30-day wait period for those to hit the Township. By the time the work is completed and the Township is invoiced, those funds should be in hand.

The Township Recreation Board met earlier this evening at 6:00 P.M. to review the final draft of the Township Comprehensive Recreation, Park and Open Space Plan and discuss the next steps before it can be submitted for DCNR review. One of the biggest concerns that came out of that meeting was what kind of teeth do recommendations within this report have, and what kind of commitment does the Township make. Mr. Fabian explained that it is very similar to the comprehensive plan. It would be a plan of what the Township would like to get to. However, if the realities of funding, time frames, and other things divert resources to higher priorities at the time and there is not 100% completion of all recommendations, there is no penalization. It is more of a planning tool. Comments are being worked through right now, and will then be put before this Board for recommendation to DCNR. DCNR will then review it, and any comments from them will need to be processed before it can be accepted as final. Mr. Fabian remarked that he would love to see this happen over the next two months.

As mentioned by Mr. Lanman, the Spring Garden Drive Culvert Replacement bid opening is scheduled for June 4.

Mr. Fabian reported that he had spoken to Rob Frank at the Dauphin County Conservation District. The spring planting for the Shireman tract will be pushed to the fall. Mr. Fabian added he had spoken to the farmer, Paul Wagner, about this. Even if it is a fall planting, Mr. Fabian indicated the bottom section should remain fallow so when the County is ready to come in with the planting, there is not a couple weeks away from a harvest. A copy of the riparian buffer plan was sent to Mr. Wagner so he is aware which areas should remain fallow. Mr. Wagner is good to farm through 2020. Any farming next year would require some acknowledgement of extension from DCNR.

Staff is still waiting to close-out the grant and reimburse final grant funds for the Old Reliance and Shope Gardens BMP projects. Mr. Fabian stated there is no update on the other grants, although he did see there is the potential freezing of some of the Growing Greener Plus grant funding.



Mr. Fabian noted the TRACP Grant for Richard L. Shireman Park Development was previously provided a six-month extension, making the new deadline August 5, 2020. At this point, he recommended the Board request another six month extension on the grant, due to the COVID-19 pandemic and the fact that there is only three months to come up with a detailed application. Solicitor Henninger concurred with the recommendation. President Wilt asked that this approval be placed on the May 20 legislative agenda.

#### SOLICITOR'S REPORT:

Solicitor Henninger reported that there are easements that need finalized for the Spring Garden Culvert Replacement. They are in the hands of staff, and hopefully Dauphin County will be in the "yellow zone" within the next few weeks, making notarization easier.

UPS was at the Municipal Authority's last meeting for some action, and some conditional approvals were given on easements. Solicitor Henninger stated he will be in contact with Ms. McBride and Commissioner Paul tomorrow morning to coordinate a meeting with Mr. Kreider and perhaps Mr. Lanman and UPS representatives as far as easement requirements and the pump station location.

As Mr. Fabian mentioned, there is work being done to finalize the additional PennVest requirements. This should not be a problem, since implementation of the fee was pushed back to at least a September or October time frame.

Solicitor Henninger asked Ms. McBride if there were any additional executive sessions in the last few weeks with regard to personnel that needs to be placed on the record. Ms. McBride reported that there was an executive session this past Monday, May 4, for a personnel issue. In addition to that, there were interviews held. Vice President Truntz added the Board also had an executive session last Thursday, April 30, where the Board had interviews and discussed personnel matters.

#### GOOD AND WELFARE:

Commissioner DeHart thanked everyone for participating tonight, and acknowledged the Public Works Department, Police Department, and staff for their efforts to deal with COVID and keep the Township building clean. He expressed hopes that everyone stays safe.

Commissioner Paul reported that he was advised by some residents, primarily from the Old Reliance neighborhood, that they are trying to get together a ride-thru of the neighborhoods on Saturday, May 16, weather permitting. This will consist of antique cars and trucks, and is expected to start at 2:00 P.M. on Powderhorn Road by the recreation area and end up at the fire station.

Commissioner Davies gave a hats-off to the Public Works Department, Police Department, and emergency services people for all that they do. He noted that he hears some of the restrictions that are being faced now will be released in the near future, hopefully by the end of May.

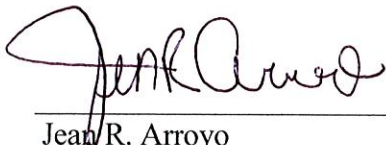
Vice President Truntz thanked everyone who took part in the meeting, and asked everyone to stay safe and well.

President Wilt thanked all the employees for what they do, and for keeping everyone safe. He agreed with Commissioner Davies that he would like to see people be able to get back to work and partake in some much-needed social activity.

ADJOURN:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner Paul, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 7:52 P.M.

ATTEST:

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

Jean R. Arroyo  
Township Secretary