

MINUTES

LEGISLATIVE MEETING – NOVEMBER 15, 2023

The November 15, 2023 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt.

Roll call was taken, with the following officials in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Zachary Border, Manager
- Tracey Bechtel, Recording Secretary
- Michael McAuliffe Miller, Solicitor
- Shawn Fabian, HRG
- Richard Snyder, Planning and Zoning Coordinator
- Brian Davis, MS4 Coordinator
- Dominic Visconti, Chief of Police

Absent: Jean R. Arroyo, Twp. Secretary

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

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

PUBLIC COMMENT:

Laurie Castagna, 1901 Scarlett Lane, stated she is encouraged that the Township has listened to the Twelve Oaks neighbors' concerns regarding the Aberdeen development and seem to value their feelings. She expressed her hopes that the Board will vote for the alternate plan on the table tonight. Ms. Castagna also read aloud a statement from Sarah Martinez, 1823 Bonnie Blue Lane, who thanked the Board for considering the alternate plan presented, which will provide for two cul-de-sacs with a fire gate. Ms. Martinez also asks that the Township ensure that the construction vehicles are only entering via Aberdeen's entrance on Route 441.

Beth Klutz, 1859 O'Hara Lane, agreed with Ms. Castagna that the Twelve Oaks neighbors like their present development as is and do not want to see it change. She asked that

the Township make sure that the Fire Department has the key to the emergency access gate and knows how to use it if this alternate plan is approved.

Deb Cotton, 1807 Bonnie Blue Lane, agreed that the neighbors appreciate the compromise that is on the agenda tonight and hope that the Board votes to approve it.

Kimberly Vajda, 5 Greenfield Drive, stated she is speaking for the residents on her street who are in solidarity with the Twelve Oaks residents. Greenfield is a similar quiet, safe neighborhood with no sidewalks or streetlights. There are plans for the addition of a new school/administration building/maintenance building off Blue Raider Lane. Currently Greenfield Drive is being used as an access road. Greenfield needs to be protected as well, and a request was made to both the School District and the Township to make an emergency access only road, especially with the addition of 340 more parking spaces. Ms. Vajda reported on several recent accidents here, underscoring the fact that this is a very serious situation.

Leah Hottenstein, 1798 Bonnie Blue Lane, stated she has attended numerous meetings and has expressed her concerns many times. Other neighbors have done the same. The Board is aware of the constituents' feelings, and the constituents need to know that the Board has heard them. The neighbors here want to see the cul-de-sac left as is. She thanked the Board for its consideration.

Ms. Vajda remarked that she had forgotten to ask about the results of the traffic impact study that was to be done on Route 441 and included Greenfield Drive. Mr. Fabian stated he has not seen the results yet. Ms. Vajda also asked Mr. Fabian if something could be added to the Greenfield playground; there is not much there. Mr. Fabian stated that a grant was recently approved for some improvements to this park. Ms. Vajda suggested some of the big businesses that recently came in, such as D&H and UPS, be asked to fund some improvements to the park.

APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the Minutes of the November 1, 2023 Special Budget Meeting. The motion was unanimously approved.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Minutes of the November 1, 2023 Workshop Meeting. The motion was unanimously approved.

PAYMENT OF BILLS:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Payment of Bills – Warrant No. 2023-10. The motion was unanimously approved.

TREASURER’S REPORT:

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Treasurer’s Report for October 2023. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Activity Report

Chief Visconti provided a summary of the monthly statistics for October. There were 18 Part I crimes, 32 Part II crimes, 483 calls for service, 2 DUI arrests, 36 traffic citations, 7 non-traffic citations, and 47 warnings. There were 19 total vehicle accidents, 5,108 patrol miles driven, 160 foot patrol minutes, and 77 foot patrol minutes on School District property. There were 552.5 total overtime hours, and 64 total training hours. Co-responder stats included 8 new contacts, 0 repeat contacts, 5 follow-up contacts, and 3 mental health commits.

Fire Department

Vice President Truntz presented the Fire Department’s monthly statistics for the month. During the month of October there were 72 total calls and 29 responders, with an average of 6 personnel per response. Time in service was approximately 37 hours. There were 9 fire incidents, 2 overpressure/rupture/explosion/overheat/no fire, 15 rescue and EMS incidents, 1 hazardous condition incident, 3 service calls, 29 good intent calls, and 13 false alarms. Mutual aid was provided to Conoy Twp. (1), Derry Twp. (1); Harrisburg City (2), Highspire Borough (5), Londonderry Twp. (3), PA Turnpike (1), Steelton Borough (1), and Swatara Twp. (22).

ENGINEER’S REPORT:

Mr. Fabian reported that the contractor for the Hanover St./Meade Ave. Stormsewer Outfall Repairs was able to mobilize on site yesterday. The Rosedale Avenue Culvert Replacement Emergency Project (just east of Stoner Dr.) is being coordinated with Veolia, which has finalized their waterline replacement plans for bid and construction. Once a schedule is provided, this

information will be shared on the website. A letter with technical comments was received from the Dauphin County Conservation District for the Richard L. Shireman Park Design and Permitting. Most comments were simply requests for additional information. The project manual and bid specs are being prepared for the Fiddler's Elbow Box Culvert Replacement. As the Board will recall, there was notification by UGI that they had a ROW approved in 1997 for their line at this culvert, so the relocation cost will need to be handled by the Township. A kick-off meeting was held with PEMA on Monday for the Hazard Mitigation Grant Program pertinent to the buy-out of five flood prone properties. Geotechnical drilling was completed for the new Salt Shed. Preliminary results show some issues with loose fill that will need to be considered in the foundation design. The design is being advanced for the Rosedale Avenue Bridge Repair Project just west of the intersection with Meade Ave.

MANAGER'S REPORT:

Access Control System

Mr. Border reported that there was discussion at the last meeting about bringing the cost of an access control system into this year's budget. Due to the price of this item, it will need to be bid out.

Road Closures

Mr. Border noted that Vice President Truntz had observed some concerns on Facebook regarding road closures by utilities and contractors with no notice. Vice President Truntz commented that he does not feel a utility can just close a road without proper notification. He asked if an ordinance can be passed requiring a utility to notify the Township within a certain amount of time so the Township can in turn advise residents of these closures. Mr. Fabian explained that there are road cut permits required which help the Township be aware of some closures, but there are also emergency repairs that require sudden closures. Vice President Truntz stated he understands this could occur with a bona fide emergency, but this has not been the case. Commissioner Davies added that he has observed almost no use of flaggers or signage, which is a concern for both the general public and the contractors themselves. Solicitor Miller agreed to see if there is a model ordinance that can be utilized.

Mr. Border referenced Mr. Fabian's comments about the meeting with PEMA for the buy-out of flood-prone properties. He estimated it will be four to five months until the money is in the account to start making offers to those residents.

Future Meetings/Events:

November 16	7 PM	Planning Commission Meeting
November 21	7 PM	Zoning Hearing Board Meeting
November 23 – 24	Thanksgiving Holiday – Twp. Offices Closed	
November 27	7 PM	Municipal Authority Meeting
December 6	7 PM	Board of Commissioners' Workshop Meeting

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – no report

Budget and Finance Committee: Commissioner Davies reported that the Township is on track to have its budget passed in a timely manner.

Public Works Committee: Vice President Truntz reported that the crew is busy with leaf pick-up. As Mr. Fabian stated, the stormwater outfall and pipe project has begun at Meade and Hanover.

Community Development: Commissioner DeHart reported that the MARA meeting was rescheduled to November 30.

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS:

Preliminary/Final Subdivision & Land Development Plan for Aberdeen Development

Solicitor Miller referenced the waiver requests outlined on the agenda in conjunction with the Preliminary/Final Subdivision and Land Development Plan for Aberdeen Development: Section 22-404 - Preliminary Plats; Section 22-502.4.c. – Cul-De-Sac Streets; Section 22-502.7.D. – Intersections 5% Approach; and Section 22-606 – Curbing along Oberlin Road. He stated the language is slightly imprecise as it relates to the curbing. The recommendation letter from HRG is for curbing to be deferred, not waived. Vice President Truntz asked if staff could explain each of these waivers. Mr. Fabian stated the waiver for Preliminary Plats simply asks for relief to do a Final and Preliminary together; this is routinely approved and was recommended by the Planning Commission. There is a waiver request pertinent to grade on Oberlin Road. This was also recommended by the Planning Commission. Also being requested is a deferral of curbing

along Oberlin Road itself and was recommended by the Planning Commission. The waiver request for cul-de-sac streets is the division for the cul-de-sac on both sides of Bonnie Blue. Regulations state that a cul-de-sac cannot exceed 800' in length or serve more than 24 dwelling units. This new cul-de-sac road for Bonnie Blue will be 900' and serve 25, which would require a waiver for this plan to move forward. This concept was the option favored by the public, and after negotiations with the developer, it was agreed to be the best way to move forward.

Commissioner Paul commented that the Township went from a plan that totally met all the criteria in the ordinance to this one, which forces the developer to ask for three waivers on something that originally met all the criteria. Mr. Fabian commented that they are now asking for four waivers, when originally, they were asking for three. Commissioner Paul stated he still does not agree with the curbing. He acknowledged the fact that the Township lost the battle with PennDOT for a deceleration lane. However, there does not seem to be justification for no curbing from Aberdeen down to the existing curbing. He stated this should be considered, as there will be water on that road. Commissioner Paul suggested that at a minimum, curbing be extended from Aberdeen south to the point of connection in front of the Hershey property. Vice President Truntz asked the reason for a waiver of curbing. Conor Surgeoner, Hyland Engineering, explained there are wetlands in this area which would be impacted by the installation of curbing.

Commissioner DeHart remarked that the street should probably not be named Bonnie Blue, as it will create confusion. He also asked who will maintain the sidewalk. Mr. Surgeoner responded this will be the HOA's responsibility. Commissioner Paul asked if it will be concrete or macadam. Mr. Surgeoner stated it will be macadam. Commissioner Paul commented that it is important to make sure that the sidewalk is marked somehow indicating that it is public sidewalk. Concrete would probably make it stand out more as a public sidewalk instead of a walking path through private property.

Commissioner Paul recommended the Board act on each waiver/deferral request individually; Solicitor Miller agreed.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve a waiver request associated with PC#2022-02 Oberlin Rd - Aberdeen relative to Section 22-404 - Preliminary Plats. The motion was unanimously approved.

Commissioner Paul addressed the proposed waiver of Section 22-502.4.c. – Cul-De-Sac Streets and suggested this be a deferral rather than a waiver, as future generations may not like that

road to be closed off. A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve a deferral associated with PC#2022-02 Oberlin Rd - Aberdeen relative to Section 22-502.4.c. – Cul-De-Sac Streets. The motion was approved by a 4 – 1 margin, with Vice President Truntz dissenting.

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve a waiver request associated with PC#2022-02 Oberlin Rd – Aberdeen relative to Section 22-502.7.D. – Intersections 5% Approach. The motion was unanimously approved.

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve a deferral associated with PC#2022-02 Oberlin Rd – Aberdeen relative to Section 22-606 – Curbing along Oberlin Road. The motion was unanimously approved. Commissioner Paul again asked about finalization on the curbing from Aberdeen/Bonnie Blue down to the point of connection onto the next property. He asked if the developer would consider this. Mr. Surgeoner agreed to speak to the developer about this; it will be dependent on environmental permitting.

With the waivers/deferrals granted, a motion was then made by Vice President Truntz, seconded by Commissioner Davies, to approve the Preliminary/Final Subdivision & Land Development Plan for Aberdeen Development. The motion was unanimously approved. Mr. Snyder noted this should be a conditional approval since there are still outstanding permits required (sewage facilities planning module, NPDES permit, PennDOT highway occupancy) as well as comments that still need to be addressed from the Township and Municipal Authority engineer. Solicitor Miller asked Mr. Surgeoner if he understands that any approval is conditioned on these comments and approvals. Mr. Surgeoner confirmed that he does.

NEW BUSINESS:

Ordinance No. 608: Parks and Recreation

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve Ordinance No. 608 amending Chapter 16 (Parks and Recreation), Part 1 (Conduct in Parks and Playgrounds), Section 16-102 (Rules and Regulations) to repeal the codified rules and regulations and provide for the promulgation of rules and regulations by the Board of Commissioners. A roll call vote was taken with the following ballot tabulation: Commissioner DeHart – aye, Commissioner Davies – aye, Commissioner Paul – aye, Vice President Truntz – aye, President Wilt – aye. Ordinance No. 608 was approved by a 5 – 0 margin. Commissioner

DeHart thanked the Board and staff for their work on updating this ordinance, which was a lengthy process.

Resolution No. 2023-R-19 for Plan Revision to Act 537 Official Sewage Facilities Plan

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve Resolution No. 2023-R-19 for Plan Revision to the Act 537 Official Sewage Facilities Plan (MASD New K-3 Elementary School/District Administration Office and District Operations Building). The motion was unanimously approved.

Resolution No. 2023-R-20 providing matching funds from the Rec. Fund for the RACP grant

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve Resolution No. 2023-R-20 providing the matching funds from the Recreation Fund for the RACP grant to construct the Shireman Tract. The motion was unanimously approved.

Bill of Sale accepting transfer of North Union St. ROG paving and curbing

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve a Bill of Sale accepting the transfer of the North Union Street Right-of-Way paving and curbing associated with the Preliminary/Final Plan for Fiddlers Elbow Warehouse (Instrument Number 20210023663). The motion was unanimously approved.

O&M Agreement with 24 Messick Drive

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve an Operation & Maintenance (O&M) Agreement between Joseph Connelly of 24 Messick Drive and the Township of Lower Swatara for a residential permeable paver system. The motion was unanimously approved. Commissioner DeHart asked Brian Davis how often this would need to be inspected. Mr. Davis explained that it would be inspected just like any other BMP, annually or semi-annually.

Agreement with Intermix LLC to provide IT services

Solicitor Miller stated that at the previous meeting, he had commented about being uncomfortable with the language in a proposed agreement with Intermix LLC for IT services. After negotiations, he is now comfortable with it. In response to a question from Commissioner Davies, Mr. Border explained that this is for complete IT services and will include 24/7 support, monitoring of the system, training for staff, email management, enhanced security, a password storage system, and Datto. A motion was made by Commissioner DeHart, seconded by President Wilt, to approve

an agreement between Intermix LLC and Lower Swatara Township to provide IT services. The motion was unanimously approved.

Proposal from Commercial Flooring Professionals

A motion was made by Commissioner Davies, seconded by Commissioner DeHart to approve a proposal from Commercial Flooring Professionals Inc. in the amount of \$37,555.55 for new flooring in the Township Building. Mr. Border noted this is a Costars quote. The motion was unanimously approved.

Increase on limits for Members 1st FCU p-cards

Mr. Border explained that the last time the Board made a motion to increase the limits on the p-cards, it did not include the bank name. Apparently, this is a requirement in order to increase the limit. A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve increasing the limit on the Members 1st FCU p-cards from \$8,000 to \$20,000 and authorize the Township Manager to sign any documents. The motion was unanimously approved.

Proposal from Alwine Security and Quote for installation and repair of guardrail

Solicitor Miller suggested the next two agenda items be tabled in order to ensure they comply with the appropriate procurement regulations. A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to table a proposal from Alwine Security for the installation of two security cameras at the Public Works Building at 800 Oberlin Road and to table the installation and repair of the guardrail located on Spring Garden Drive between the intersections of Lumber Street and Nissley Drive in the amount of \$16,525.00 by L.S. Lee, Inc. The motion was unanimously approved.

Monthly transfers

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the \$83,333.33 monthly transfer from the General Fund to the Capital Reserve Fund. The motion was unanimously approved.

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve the \$41,666.67 monthly transfer from the General Fund to the Recreation Development Fund. The motion was unanimously approved.

EXECUTIVE SESSION REQUESTED:

Solicitor Miller requested an executive session immediately upon conclusion of this evening's meeting for personnel matters, for matters of land use, and a matter of attorney/client privilege communication.

FINAL COMMENTS:

Vice President Truntz thanked Ms. Bechtel for filling in for Ms. Arroyo tonight. He also thanked those who voted for him in the last election and noted it is an honor to serve the residents and to serve with his fellow commissioners.

President Wilt also thanked the residents who voted for him.

The commissioners thanked the public for their input and wished everyone a Happy Thanksgiving.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Davies, seconded by Vice President Truntz, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The meeting adjourned at 7:59 P.M.

ATTEST:

Ronald J. Paul
Assistant Secretary

PLEASE PRINT NAME CLEARLY
BOARD OF COMMISSIONERS

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