

MINUTES

NON-LEGISLATIVE MEETING – NOVEMBER 2, 2022

The November 2, 2022 Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:30 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
- Jean R. Arroyo, Township Secretary
- Brett Flower, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Scott Washinger, Director of Public Works
- Don Fure, Director of Codes and Planning
- Rich Snyder, Planning & Zoning Coordinator
- Brian Davis, MS4 Coordinator
- Dominic Visconti, Chief of Police

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

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

PUBLIC COMMENT:

Chet Hartz, 2142 N. Union Street, questioned rumors regarding a merger of the Township's Police Department. He explained that he has lived in the Township for 47 years and has had to call on the assistance of the Lower Swatara police officers numerous times, especially when accidents occur next to his property. Every time, the officers responded and took full control of the situation. Mr. Hartz noted he has heard merger rumors over the last ten years, and this time the rumor is that Lower Swatara Police Department will be disbursed and merged with Swatara Township. He stated this is a big concern for him for several reasons, including the loss of familiarity of officers as well as potential response time delays. He asked the Board to clarify whether these rumors are accurate.

President Wilt remarked that the Board is exploring options for various reasons including lack of personnel and safety of the officers. However, there is nothing official; President Wilt stated that he does not want to add to the speculation at this time. Vice President Truntz agreed the Board must look at its options. The problem in today's society is that no one wants to be a police officer. There are situations here where Township officers are working 16-hour shifts, off 8 and then back to work. This is not sustainable, and there is a fear that making split-second decisions under these circumstances may be difficult. These long hours also have an impact on the officers' families. Vice President Truntz reiterated that nothing has been finalized, but options are being explored. No options will be selected that are unsafe or sacrifice coverage to the Township or will slight any officers and not provide them with employment opportunity. Mr. Hartz stated it is sad that over the last three or four years, several trainees came into the Township, trained, and then went elsewhere.

Ashlee Snyder, 1386 Butter Churn Road, stated she was before the Board about two years ago due to a car coming off the road and ending up in her shed. She presented pictures to the Board, and explained that she has had cars come into her yard on three occasions now. Ms. Snyder stated her concern is this stretch of road is unsafe for those who live here. As the photos show, the cars that ended up in her yard are in the area where she walks her dogs and mows the yard, and where her children play. Property can be replaced, and her shed was taken care of through insurance. Lives, however, cannot be. The biggest problem is the curve. Ms. Snyder stated she understands the land next to the current development is planned for development by Keystone. However, this will probably take a while, especially the road work portion which is usually done at the end of the project. While flattening of the curve and widening of the road may be part of this plan for that development, this could take three or four years. In the meantime, there is a real concern from the neighbors about additional damage to property and/or loss of life.

Ms. Snyder stated last time she was here, there were options discussed including guardrail. She also suggested sets of rumble strips which will force drivers to slow down due to the noise. While the Township may not want to absorb a lot of costs, taxpayers' properties are being impacted, and the fear is much worse could happen. Commissioner DeHart noted this was looked into previously, and some of the signs were installed, although not all of them. Mr. Fabian agreed that some of the signs were apparently creating site distance issues for some

of the homeowners. Guardrail was also discussed at the time. Mr. Fabian explained the Township would have to run guardrails through the whole section there for it to be effective. Commissioner DeHart agreed that the development next door should probably be submitting plans soon. Mr. Fabian explained that they were supposed to be on the agenda for this month's Planning Commission, but were retracted prior to the meeting happening. He anticipated the plan will be on next month's agenda. Commissioner DeHart stated that rumble strips will probably result in noise complaints from the neighbors. He asked Ms. Snyder who put the trees up. Ms. Snyder explained that one of her neighbors did, and one of those was actually damaged by the last car that still came through her yard and her neighbors' yard, and then fled away. Commissioner DeHart stated he would not recommend using rocks as a barrier, since they tend to make vehicles go airborne. He observed that tonight, Officer Young was in the area doing speed patrol and had someone pulled over. Commissioner DeHart asked Chief Visconti if he could put the speed sign in this area to in order to obtain accurate figures. Chief Visconti agreed to do, and also advised Ms. Snyder that the investigation for the vehicle that fled the property is still ongoing. He added that when Sergeant Young was in the area doing speed patrol, speeding did not seem to be a habitual problem during that time frame. The drivers that do not slow down for that curb are then ones that are causing these problems. He agreed that having some type of barrier between the roadway and the property should be investigated. Ms. Snyder stated that while she is certainly not complaining about UPS, there is a lot more traffic since they came in. She and her husband have experienced tailgating and being illegally passed. The problem times seem to be between 7:30 AM – 8 AM and then again between 3 PM – 4 PM.

John Knoll, 1376 Butter Churn Road, explained that none of the neighbors here feel safe in their own backyards. He added that he is holding off improving his backyard at this point due to potential damage from a car coming onto the property again. Mr. Knoll stated that in 2020, the car stopped just inches from his bedroom. Frankly, everyone here is lucky that no one has been injured at this point. Mr. Knoll asked that the Township come up with some type of remedy to prevent the cars from ending up in these properties. He agreed that rumble strips will probably result in a lot of noise complaints. Vice President Truntz remarked that the Township needs to do something quickly but cautioned that there must be some thought put into things like guardrails. Mr. Knoll stated he understands there are plans for profiling of the curb. He asked if these plans were approved yet. Mr. Fabian explained the plans were submitted and review

comments were issued. This should come before the Planning Commission at its November meeting. Vice President Truntz agreed with Ms. Snyder that this road work could take years, and something needs done soon.

Sissy Feliciano-Gersic, 1396 Butter Churn Road, referenced the photo showing the car tracks right outside her bedroom and remarked that they have no way to escape if this happens while they are sleeping. She stated that she now has trouble sleeping at night. Ms. Gersic asked that the Board help out the residents.

Commissioner Paul suggested the idea of putting the guardrail up in the right of way that exists now, with the understanding that when the development occurs, the developer will be responsible for removing it in a safe fashion so it can be re-used elsewhere in the Township. President Wilt asked that Mr. Fabian note this so that it can be discussed with the developer. Commissioner Davies asked Mr. Fabian if the future realignment being discussed will be a solution to keep the cars off these residential properties or should guardrail also be included when this realignment occurs. Mr. Fabian explained that what is being proposed cannot completely eliminate the curve, so there is always going to be some curve there. Additional signage can only do so much. He stated he can have the HRG transportation department evaluate this. Ms. Snyder observed some newer style guardrail that looks like cable along Route 283 going towards Lancaster. When cars slide off the road or hit this type of guardrail, the damage appears to be minimal.

Commissioner Paul asked everyone to keep in mind that the Township must abide by certain rules and regulations, and just because the Board feels guardrail will solve the issue, there could still be cars going airborne. Ms. Snyder agreed but stated any efforts of the Board to improve the safety of the neighborhood will be greatly appreciated.

The Board thanked the residents for their time.

James Halakis, Greenview LLC, stated that his company is the new owner of 146 Bradford Avenue. The previous owner had passed away, and his company started fixing the home. Mr. Halakis explained that he was recently told the Township owns the land next to it and may be interested in acquiring this too. The property is in the flood zone and was never repaired after the flood damage. Mr. Fabian explained that nine homes were identified to be eligible for this round for a possible FEMA buyout. 146 Bradford is one of these homes, but no response had been received from the owner regarding interest in this program. Commissioner Paul provided Mr. Halakis with

the FEMA forms necessary for him to complete in order for the property to be considered for a potential buyout. He stressed that this is strictly his choice, as this is a voluntary program.

ADVERTISEMENT OF BUDGET ORDINANCE & TAX RATE ORDINANCE

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve intent to advertise the 2023 budget ordinance and tax ordinance, and to make the preliminary budget available for public inspection as required by law. The motion was unanimously approved.

APPROVAL OF MINUTES

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the Minutes of the October 19, 2022 Legislative Meeting. The motion was unanimously approved.

THOMAS R. CLARK SUBDIVISION PLAN

Zach Lupold, PLS, Lupold Surveying & Mapping, presented the Thomas R. Clark Subdivision Plan (Planning Commission File #PC2022-05), 28.19 acres in zoning district Residential Agriculture (R-A). He explained that Mr. Clark is purchasing roughly an acre of land from the estate of Lloyd Byers to the west. This plan had been recommended for approval by the Planning Commission back in July, but never came before the Board. Mr. Fure commented that the only thing that had to be worked out with Mr. Lupold over the last few days was making sure the property pins were properly marked. Mr. Fabian agreed that this was the only comment he had. A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve the Thomas R. Clark Subdivision Plan (Planning Commission File #PC2022-05), 28.19 acres in zoning district Residential Agriculture (R-A). The motion was unanimously approved.

AUTHORIZATION TO ADVERTISE AMENDMENT TO ZONING ORDINANCE

Commissioner Paul referenced the agenda item to authorize advertisement of an ordinance amending the Township Zoning Ordinance to adopt standards for large scale solar facilities in the Township. He suggested action be tabled, since this is currently under review by the Planning and Zoning Department. A motion was made by Commissioner Paul, seconded by Vice President

Truntz, to table authorization to advertise an ordinance amending the Township Zoning Ordinance to adopt standards for large scale solar facilities in the Township. The motion was unanimously approved.

RESIGNATION OF DENNIS FAUSEY FROM THE PLANNING COMMISSION

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to accept with regret the resignation of Dennis Fausey from the Planning Commission. Mr. Fausey's term was due to expire December 31, 2024. The motion was unanimously approved.

AMENDMENT #2 TO COOPERATIVE AGREEMENT W/PA FISH & BOAT COMMISSION

Mr. Fabian referenced proposed Amendment #2 to the Cooperative Agreement with the Pennsylvania Fish and Boat Commission. There is the potential for the PennDOT related HOP work to not be paved until the spring. Since the current grant is set to expire at the end of this year, this amendment needs to be formally accepted. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Amendment #2 to the Cooperative Agreement between Pennsylvania Fish and Boat Commission and Lower Swatara Township, GR#4100082684, which extends the construction deadline for the project until June 30, 2023. The motion was unanimously approved.

APPLICATION FOR PAYMENT #4 TO JVI GROUP, INC.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Application for Payment #4, in the amount of \$119,661.52, to JVI Group, Inc. for the 2021 Drainage Improvement Project. Mr. Fabian explained this is largely for the work on 217 Delmont. The motion was unanimously approved. Commissioner Paul asked when this work will be paved. Mr. Fabian stated he has not received the schedule, but assumes they are waiting for the Greenwood Circle work to be done so everything can be done at once. He anticipated it will be within the next two weeks.

2023 CHEVROLET TAHOE

The Board discussed the proposed purchase and upfit of a 2023 Chevrolet Tahoe for the Police Department. President Wilt questioned if a major piece of equipment should be purchased at this point, since options are being explored. Commissioner Davies stated he is going on the assumption that the Police Department is still operating as usual. He noted his understanding that no matter what the option, it could be folded into the deal. Commissioner DeHart asked Chief Visconti if the vehicle is needed. Chief Visconti referenced the memo submitted to the Board explaining this request. Commissioner DeHart asked if the vehicle is in stock. Chief Visconti stated he was assured one would be available for purchase, with delivery sometime during the month of November. He explained there is always the concern of unexpected occurrences that put a vehicle out of commission for an undetermined amount of time. There are also some issues with the reliability of the current vehicles. Chief Visconti stated he does feel this is a necessary purchase. Commissioner Paul interjected that three of the vehicles in the fleet are from year 2014 and pushing 90,000 miles.

Vice President Truntz stated discussions are in very preliminary stages right now, and the Township still has a Police Department to run. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the purchase and upfit of one 2023 Chevrolet Tahoe from 911 Rapid Response located in Annville, Pa. in the amount of \$64,437.89 for the Police Department. (This figure covers the purchase of the vehicle and the total cost of upfitting it with graphics and all related equipment). The motion was unanimously approved.

DEPARTMENT REPORTS:

Planning and Zoning/Codes Department:

Mr. Fure reported that active projects include UPS (near phase 2 approval), Hershey Creamery (sanitary plant construction ongoing), Fiddler's Elbow Warehouse at 2070 N. Union St. (tenant is a business that stocks plumbing parts/pipe); Phillips at 501 Fulling Mill Rd. (under roof), and Stoneridge Lot 5 (interior fit out has begun). Commissioner DeHart stated there are dirt issues again and asked if they plan to pave that road before winter. Mr. Fure responded they are doing stormwater work, so paving will have to wait until that is completed. Commissioner Davies asked the status of the new North Union St. pump station. Mr. Washinger explained that testing will be

done on Friday and some manhole issues across the street are being addressed. Commissioner Paul asked if the curbing will be replaced where the driveway of the existing pump station is located. Mr. Washinger responded that this was not specified, but he can ask that question. Commissioner Davies asked the purpose of the large black hose. Mr. Washinger explained this will be used for bypass purposes.

Mr. Fure reported on a meeting today with the tax assessor. The Township will be given access to their system, which is basically an enhanced version of Dauphin County GIS and will provide imagery assistance.

The Zoning Hearing Board met on October 26 regarding a request for canopy and electrical equipment in the front yard setback. There is a hearing set for November 15 for a use not provided for to install solar panels at 1500 Fulling Mill Road. Mr. Fure asked that the Solicitor represent the Township at this hearing. Solicitor Flower stated they would be happy to do so, but suggested a formal motion be made to authorize the Solicitor to appear as a party. Vice President Truntz asked if there is any expenditure of funds associated with this. Solicitor Flower responded that their standard billing rate would apply. Vice President Truntz stated that in this case, the agenda should probably be amended first. A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to amend the agenda to include a motion authorizing the Solicitor to represent the Board of Commissioners as a party in the November 15 Zoning Hearing Board for Furniture First. The motion was unanimously approved. A motion was then made by Commissioner Paul, seconded by Commissioner DeHart, to approve authorization for the Solicitor to represent the Board of Commissioners as a party in the November 15 Zoning Hearing Board in order to converse with them on the Township's position regarding this request. The motion was unanimously approved.

Mr. Fure reported that plans for the Colony of Old Reliance and Integrated Illumination were both withdrawn and did not make the November deadline. Both will probably appear on the December Planning Commission agenda. He then introduced Rich Snyder, who began his employment with the Township as Planning and Zoning Coordinator on October 24. The Board welcomed Mr. Snyder to his new role.

Public Works Department:

Mr. Washinger updated the Board on the fuel tanks. Keystone Petroleum removed all the remaining waste, the pumps were locked down, and DEP was notified. The Township is on target

early next year for the pump removal and insertion of the flowable fill into the fuel tanks for completion of the decommissioning of the fuel system.

Three hidden driveway signs were placed on Fiddlers Elbow Road, along the residential area of the road where the locations were warranted. Leaf pick-up has started and will proceed until the first snowfall or completion. In response to a question from Vice President Truntz, Mr. Washinger confirmed that the Township mechanic did fix the other truck. The order for overlaying the basketball court at Shopes was placed with anticipation of a November completion. As a result of the North Union Street Speed Study, a meeting was held with DE Gemmell to acquire and place the thermal plastic pavement markings for the application on North Union Street.

The paving project is wrapping up, and there are some issues being addressed. There are about twelve driveways that need more asphalt in front of them, all the manhole covers need to be cleaned, two manhole covers need risers, and some areas require sealing. All issues have been noted by HRG and are being addressed with New Enterprise. In response to a question from Commissioner Paul, Mr. Washinger confirmed that all the driveway issues are on one road – Springhouse.

MS4/Stormwater Department:

Mr. Davis reported that DEP released a memo stating the existing expiration date for all MS4 permits has been extended by 24 months until March 15, 2025. What this means for the Township is that new pollutant load requirements will not be placed on it for another two years. The current load requirements still have a deadline of next year. However, with its participation in the Conewago Creek Restoration, the Township is still on track to meet its deadline goal. A copy of the Department's memo was provided to the Board. Mr. Davis thanked Solicitor Flower and Eckert Seamans for their assistance in answering his questions regarding how this will impact the WREP; there appears to be no negative impact.

Earlier this month, Penn State Extension organized additional plantings to replace trees lost at the rear lot of the Fulling Mill Boat Launch. They have also arranged for community volunteer Lisa Yeich to stop by the site and perform basic maintenance (inspection and trimming around tree bases). This will hopefully improve the trees' survival rates and reduce workload on the Public Works Department. Vice President Truntz asked if

these additional plantings just replaced lost trees and did not include planting trees in other areas. Mr. Davis confirmed that is correct; no new areas were involved.

There had been some interest from residents and Commissioners in providing an informational workshop to educate the public regarding stormwater mechanics and its impacts on the community. The stormwater department is hoping to provide a workshop sometime this spring. The contents of the presentation are still being developed; Mr. Davis asked that the Board feel free to suggest any topics they feel would be especially relevant or important. Commissioner Paul stated his understanding that this public education also provides a credit to the MS4 program. Mr. Davis agreed that the Township is required to do public education for this program, and this is normally managed through flyers and information presented at public meetings. However, a formal workshop would be quite beneficial to this educational requirement.

Commissioner DeHart referenced 2090 North Union St., and stated they need to sweep the street at least once a week. Mr. Davis agreed and stated that he had just sent them an email about this. Commissioner DeHart remarked that this is an ongoing problem, and the exit is getting worse due to the concrete trucks. He added that they had promised the Township to do some blacktopping to help with this issue; this was never done. Commissioner Davies asked if a citation could be issued for this type of violation, although he would be hesitant to so. Solicitor Flower stated the Township ordinance does allow for enforcement of violations of the ordinance. For something like this, it would be a notice of violation that would go to the local district justice and carry fines of up to \$500/day every day the violation exists. Solicitor Flower stated she is not familiar with this particular complaint, but it does sound like a violation of the Township's stormwater ordinance. Mr. Davis suggested the first step would be to send a certified letter. Commissioner Paul stated a face-to-face conversation between the appropriate Township staff and representatives of the business needs to be held to express how serious the Township is about this problem.

MANAGER'S REPORT:

Commissioner Paul referenced Ms. McClain's remarks in the special budget meeting regarding the Fire Department lease, and noted a meeting needs to be held with them to discuss the agreement and any revisions to the language. He asked that Vice President Truntz, as commissioner-liaison to the Fire Department, get that meeting scheduled.

Commissioner Paul requested an executive session for personnel reasons immediately upon conclusion of tonight's meeting.

ENGINEER'S REPORT:

As mentioned earlier, the base structures are in for the Greenwood Circle work. During the excavation, a lot of unsuitable materials were found; the impact of this is being tracked as a potential change within the project. Mr. Fabian noted he did stop at the site before this meeting and ran into a landowner that had some complaints about access to driveways and the lack of notification from the contractor. He agreed to follow-up on this.

As Mr. Washinger mentioned, the issues with the paving project are being addressed. The contractor is still working through the ADA ramps. The work is more delayed than the schedule provided indicated, and this is a concern which is being closely monitored.

A call is scheduled tomorrow with the contractor for the Fulling Mill Road boat launch facility. The schedule they originally provided included mobilizing during the next week, and hopes are the work is still on schedule.

Mr. Fabian referenced the Hanover St. and Meade Ave. storm sewer repairs and reported that the site design has been finalized and the permit preparation is being completed for the Meade Ave. work. Once this is complete and the permit submitted, the project manual and bidding materials can be prepared for these two sites.

A minor comment letter was received from DEP for the Bryn Gweled project. There were four comments, two of which were already addressed in the package. The other two comments were processed today.

Mr. Fabian updated the Board on the Rosedale Avenue project and reported he did receive notification from the contractor stating they received the Township's letter about the streetlight and acknowledge that they will be handling the issue. He stated he would like to get some

documentation regarding this. A few other items need addressed prior to recommendation for final close out and approval.

Mr. Fabian reported that HRG has been supporting staff, as requested, with the FEMA Grant application to cover storm sewer repairs to several sites (Greenwood, Hanover, and Meade). HRG is presently preparing a response for staff review regarding questions from FEMA regarding design resiliency questions for the Greenwood Circle project.

HRG has also been assisting staff with the Hazard Mitigation Grant Program which would support the purchase of various flood prone properties in the Township. This is a voluntary program, and five affected homeowners have expressed interest in pursuing it. If the property owner that spoke earlier tonight is interested, this sixth property can be pulled into the package as well.

GOOD AND WELFARE:

President Wilt reminded the Board that an executive session for personnel reasons will be held immediately upon conclusion of this evening's meeting.

Commissioner DeHart referenced the sinkholes on Fulling Mill Road east of Lumber and west of Nissley. He asked that Mr. Washinger keep an eye on the eastbound one since it looks like it might be undermining the road. Commissioner DeHart thanked those who came out and advised the Board of issues they are experiencing.

Commissioner Davies thanked staff, particularly Ms. McClain, for all the work on the budget preparation. He agreed it was good to see residents come in and express their concerns, especially when they are safety related. Commissioner Davies added he regrets seeing Mr. Fausey resigning from the Planning Commission, as he was a very active member in this community for many years.

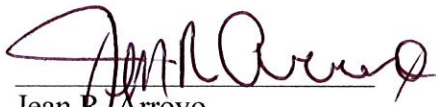
Vice President Truntz thanked Ms. McClain, Commissioner Davies, and Commissioner Paul for their work on the budget. He also welcomed Rich Snyder on board. Vice President Truntz noted that Mr. Fausey's resignation is a big loss for the Township; Mr. Fausey was a huge advocate of the baseball association and a faithful Planning Commission member. He wished him well and expressed his sincere gratitude for all his service. Vice President Truntz reminded everyone to go out and vote next week.

President Wilt thanked everyone for their input tonight. He agreed with Vice President Truntz that Mr. Fausey is a great individual with a big heart. He thanked him for his service. President Wilt encouraged everyone to go out and vote next Tuesday and stated he will pray for the right outcome for this country.

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 8:10 P.M.

ATTEST:


Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY

NOVEMBER 2, 2022

BOARD OF COMMISSIONERS' SPECIAL MEETING – 6 PM

WORKSHOP MEETING – 7 pm

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