

MINUTES
LEGISLATIVE MEETING – OCTOBER 16, 2019

The October 16, 2019 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 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
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Ann Hursh, Planning & Zoning Coordinator
- Jeff Vargo, Chief of Police
- Shawn Fabian, HRG

Residents and visitors in attendance: (PLEASE SEE ATTACHED SIGN-IN SHEET)

PUBLIC COMMENTS:

Elizabeth Malpass, 2047 Market St. Ext., explained that she was here last month with pictures and videos illustrating the flooding problems on her property. She was under the impression that she would be getting some sort of an update. She recently talked to Ms. McBride who indicated that they are starting with her property; Ms. Malpass noted she did observe that some of the trees are tagged. However, she has not received anything in writing or any type of official update from either HRG or Mr. Lanman. President Wilt asked Mr. Fabian to provide an update. Mr. Fabian explained that the ribboning on the trees is for demarcation to show which are intended to be removed between Market St. Ext. inlets and the proposed double inlet at the back of the Malpass property. There was an on-site meeting after the preconstruction meeting. The contractor walked through what was possible at this time with the equipment they are able to mobilize to the site to alleviate some of the drainage concerns. There was discussion on doing the inlets at the road back to those double inlets, so they sent shop drawings to review for the pipes and the inlets. These were reviewed and approved on October 7, and are in

procurement right now. The contractor is doing everything possible to expedite things, and it is expected that the components will be in within the next two to three weeks, and mobilization can then occur. In summary, they have a subcontractor to remove the trees, and the equipment is on order to install that run. Mr. Fabian noted there was also a meeting held with Suez to coordinate their water main installation and upgrades through that area. An additional meeting with Suez is scheduled for Monday. Timing wise, this drainage issue should be able to be addressed now, prior to the main mobilization for the rest of the project which will probably occur this spring. Ms. Malpass asked if somebody could please get in touch with her regarding this. She explained that after the last meeting, she was under the impression that she would get an answer or some type of communication within the next 24 hours to a week. It has been a month and she has heard nothing from HRG. Ms. McBride and Mr. Fabian agreed to meet tomorrow to draft something to provide to Ms. Malpass in writing. Ms. Malpass stated she would appreciate that, since the inch of rain today did not help the situation.

John Weikle, 1264 Overlook Road, explained that he is here at the request of his wife who is President of the Woodridge HOA. She is looking for an update on the dedication of Overlook Road in order to avoid the snowplowing costs that the HOA will otherwise occur this winter. This is a financial hardship for the HOA, which is trying to plan repairs on some of the private roadways within the development as well. Mr. Weikle added this is the second or third request she has made. There is an upcoming meeting in November with the HOA members, so an update would be helpful. Commissioner DeHart asked Ms. Hursh for an update. Ms. Hursh explained she has no update, and has not even received a call about it. She explained that somebody needs to submit a deed with legal descriptions. Triple Crown indicated that it never had any portion of that road. Solicitor Henninger agreed that portion of the road was not sold to Triple Crown so the deed of dedication will have to come from the Messicks. Triple Crown agreed to pave it, but not take over ownership. Commissioner DeHart asked Ms. Hursh if the road is totally complete and all inspections done. Mr. Fabian noted that everything on the improvement guarantee reduction has been stabilization-related and a couple of minor maintenance items. Solicitor Henninger noted he will work with Ms. Hursh on pursuing this. Mr. Weikle explained that would be appreciated, since the HOA is looking at paving some of the parking areas and places that are deteriorating very rapidly, and they are trying to alleviate some of the costs of the snow plowing.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the October 2, 2019 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the payment of bills as presented on Warrant No. 2019-09. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Treasurer's Report for September 2019. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Chief Vargo provided the summary of statistics for the Police Department for the month of September. There were 522 calls for service, which included 43 cases investigated. There were 30 criminal arrests, which included 7 DUI arrests. There were 47 traffic citations issued, 3 non-traffic citations, and 59 written warnings. In addition, officers investigated 17 total traffic accidents that occurred in the Township. Busiest time of day in September was between 8:00 P.M. and 9:00 P.M. on Saturdays. The Township's motor carrier enforcement officer conducted a total of 4 motor carrier enforcement details; 3 of these were Level I inspections and 1 was a Level 3 inspection. The MCSAP officer issued 2 citations and 11 warnings.

Chief Vargo updated the Board and public on the recent incident where an officer was shot. Both Officer Shea and Officer Melott are doing well and are very appreciative of all the support from friends, family and the public. Chief Vargo added that he himself is also appreciative of all the support shown. This was obviously a traumatic event for both officers, and Chief Vargo asked for continued thoughts and prayers for them. He also commended District Justice Smith for placing the shooter in prison with no bail. President Wilt asked that Chief Vargo convey the Board's gratitude and best thoughts to both officers.

Fire Department

Fire Chief John Weikle presented the monthly statistics for September. There were 43 calls in September, bringing the total for the year to 399. The average personnel per response was 8. Time in service was 17 hours, 38 minutes and 24 seconds. There were 4 fire incidents, 9 Rescue and EMS incidents, 5 hazardous condition incidents, 6 service calls, 10 good intent calls and 9 false alarms. Mutual aid calls were as follows: HIA – 1; Highspire – 4; Hummelstown -- 2; Middletown – 3; PA Turnpike – 1; Steelton – 1; and Swatara – 1.

Chief Weikle reported on the activities for Fire Prevention Week last week. He thanked all the Commissioners that attended the Fire Prevention Open House and showed support for this event. Public attendance was down a bit this year, but there was still a lot of positive feedback. Chief Weikle noted that efforts have been made to turn this into a community event, not just a Fire Department event. This year, the Lions Club was in attendance to promote its club.

Training, as always, continues. Chief Weikle thanked the Board and Ms. McBride for consideration of the acquired structures through a grant. This will really help the Fire Department hone its skills. Commissioner DeHart asked if testing for asbestos was done on these structures. Mr. Fabian agreed it was. There were minor samples in 163 Bradford Avenue that came back positive for asbestos; 99 Bradford Avenue came back clear. In response to a question from Commissioner DeHart, Chief Weikle explained there will be a structural burn class. These structures will not be burned down, but there will be controlled fires in the rooms. There will be state certified instructors set up to do the live burns. All the necessary approvals for the burns will be done through the state. Commissioner DeHart asked that the Fire Department keep in mind that the Airport is next door. Chief Weikle agreed that they will be notified. Commissioner Paul asked if the other neighbors will be notified. Chief Weikle confirmed that all the proper notifications will be made.

ENGINEER'S REPORT:

Shawn Fabian, HRG, referenced his report and provided project updates

As just reported, the report of findings for the pre-demolition asbestos sampling for 99 and 163 Bradford Avenue were received. The chapter 106 permits were submitted for review.

Design was completed for the Greenfield Park Basin Retrofit and Riparian Buffer – Mariner East II (MEII) Pipeline project. Paper copies were delivered today. Mr. Lanman and Ms. Smith have also requested pdf copies for their review.

Final payment for the Old Reliance and Shope Gardens Parks Stormwater BMPs project appears on tonight's agenda. There will need to be some coordination on the signs before the Township can request the final inspections from DCNR so it can close out that grant.

Design is complete for the Spring Garden Drive Arch Culvert Replacement. The GP11 permit will now need to be completed.

A recommendation from HRG to award the bid for the Highland Street and Lumber Street/Greenwood Drive culvert project also appears later on the agenda.

Some of the background information was completed for the Township Comprehensive Recreation, Park and Open Space Plan and will be reviewed with Ms. McBride in preparation for the next public meeting on October 22, 2019.

SOLICITOR'S REPORT:

Solicitor Henninger requested a brief executive session immediately upon conclusion of tonight's meeting in order to discuss a real estate matter.

MANAGER'S REPORT:

Special budget meeting

Ms. McBride suggested the Board schedule a Special Meeting in order to preset the 2020 spending plan (budget). Solicitor Henninger added that this has historically been done just prior to the November workshop meeting. The Board agreed to advertise the Special Budget Meeting for November 6 at 6:15 P.M.

MS4 Information Mtg. for non-residential property owners

An MS4 Information Meeting for non-residential property owners will be held on the afternoon of October 22. Letters regarding the meeting will have gone out either today or tomorrow morning.

Future Meetings/Events:

Ms. McBride reviewed the list of upcoming meetings:

Oct. 22	2 PM	MS4 Informational Mtg. for commercial property owners (at the LST Fire Dept.)
Oct. 22	6:45 PM	Special Recreation Board Mtg.
Oct. 23		CANCELLED: Zoning Hearing Board
Oct. 24		CANCELLED: Planning Commission Mtg.
Oct. 28	7 PM	Municipal Authority Mtg.
Oct. 29	6:45 PM	Special Recreation Board Mtg.
Oct. 31	6 PM – 8 PM	“Trick-or-Treat”
Nov. 5		General Election Day (Twp. offices closed)
Nov. 6	5:45 PM	Recreation Board Mtg.
Nov. 6	7 PM	Board of Commissioners’ Workshop Mtg.
Nov. 11		Veterans Day Holiday (Twp. offices closed)
Nov. 12	7 PM	MS4 Informational Mtg. for residential property owners (at the LST Fire Dept.)
Nov. 13	7 PM	Zoning Hearing Board

President Wilt recalled that the Lions Club Halloween parade will be held tomorrow evening at 6:00 P.M. in the Shope Gardens development. Commissioner Paul suggested the Public Works Department post those streets for no parking during the parade.

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – no report

Budget and Finance Committee: Commissioner Davies reported that he and Commissioner Paul, as the Budget Committee members, will be meeting with Ms. McBride and Ms. McClain tomorrow morning to have the first examination of budget priorities for the coming year.

Public Works Committee: Vice President Truntz reported that the right of way mowing list is almost complete. Installation of bike racks, park benches, etc. is finishing up at the parks. Scheduled leaf collection begins on Monday.

Community Development: Commissioner DeHart – no report

Personnel Committee: President Wilt –no report

UNFINISHED BUSINESS:

Revised Plan of the Preliminary/Final Subdivision/Land Development Plan for Star Barn Duplex

Ms. Hursh reported tonight’s agenda includes the *Revised* Plan of the Preliminary/Final Subdivision/Land Development Plan for Star Barn Duplex Units, Planning Commission File

#PC2018-03, with a time deadline of December 14, 2019. Plan is located on Nissley Drive, south of I-283, one lot, 3.67 acres, 10 duplex units, zoned Residential Urban, owned by Star Barn Townhomes, LP, submitted by Navarro & Wright Consulting Engineers, Inc. The Planning Commission took action on February 28, 2019 to recommend approval of the plan with conditions and with a waiver and a deferral. The Planning Commission took action on August 22, 2019 to recommend approval of the *revised* plan, based upon the opinion of the Planning Commission that the access to the units is from a private access drive and not a private road and therefore the setback comments do not pertain. The recommendation for approval was contingent upon addressing all remaining comments from staff, HRG and outside agencies. The plan was recommended for approval with the following waiver and deferral of the curbing requirement. Waivers requested: Section 22-404: Preliminary Plan and Section 22-606: Curbing along Nissley Dr. The Board of Commissioners, at its October 2, 2019 Workshop Meeting, granted a time extension through December 14, 2019 on this plan.

Jason Gutshall explained that they were previously before this Board with the plan, and then went back to the Planning Commission to develop a revised plan to address some of the questions and concerns. Concerns expressed including snow removal, so nothing will be done with the Nissley Drive right of way although there will be improvements to the road where it terminates. There will be an area for snow removal, and a turnaround is provided. The plan was taken to the Planning Commission, and comments included the length of driveways, and continuing the sidewalk around. The sidewalk now continues around the cul-de-sac and down to where it was before. The NPDES was reviewed and resubmitted. The current plan is down to mostly administrative comments.

Commissioner DeHart asked the length of the driveways. Mr. Gutshall explained they moved the sidewalk to the street in order to provide the 18'. Commissioner DeHart asked if a car could be parked there without hanging over onto the sidewalk. Mr. Gutshall confirmed this should not happen, but noted it would be tight with a very large vehicle. Mr. Gutshall explained the units, which will be rentals, will have one garage and one off-street parking in the driveway. Commissioner DeHart asked if they will be rented to students and how many bedrooms the units will have. Mr. Gutshall stated he believes they are two-bedroom units. Commissioner DeHart stated that he does not like the concept to begin with, particularly the cul-de-sac in the back. He added that he does appreciate the hydrants being put in at the back end, but he still feels there are

safety concerns and that this configuration does not provide enough space to do what they want to do. Mr. Gutshall noted the width is 24'; they widened it to the street width.

Commissioner DeHart stated that with apartments and two off street parking spaces, there will be people parking in the street too. Commissioner DeHart added that Commissioner Paul had made a comment awhile back about the setback and a car being almost on the sidewalk sometimes.

Commissioner Paul asked for an explanation of how that is a permitted use in a Residential-Urban District, knowing what the setbacks are in this district. Mr. Gutshall explained that multiple buildings on one-lot are permitted in that district. Commissioner Paul stated his concern is the spacing. He asked what they used in the ordinance to come up with the spacing of the buildings, specifically the spacing to the street. He noted the concern is the front yard setback, primarily as it pertains to the parking. It looks to him like it is 22" from the edge of the access drive. You can get one car in there, and there is also a garage. However, everyone knows there will be more cars there. This also justifies why the front yard distance from the access drive should be 35'. Mr. Gutshall explained there are not yard requirements when it is one lot; this is an access drive to serve the property. Commissioner Paul asked the definition of an access drive versus a private street. Solicitor Henninger explained that a dwelling group is a group of two or more. Commissioner Paul asked if this is a permitted use in the R-U District. If the Township does not have any control over the distances from access drives, those buildings could be sitting right on the edge of the road. Solicitor Henninger agreed, because agreeably an access drive is not a road. That is the developer's argument. Commissioner Paul stated this is contrary to what the zoning ordinance is all about. He questioned if this should go to the Zoning Hearing Board for some type of interpretation or variance rather than just say it is a permitted use. Solicitor Henninger explained this is a determination for the Zoning Officer to make. He noted this started out as a driveway. Comments were that it was not wide enough, so they made it the width of a required road. It was never intended to be a private street. Again, it is not providing access to abutting properties. It is providing access to a single property. That was the argument made, and the Planning Commission agreed with it. If Ms. Hursh had said they needed a 35' setback, then they would need to go to the Zoning Hearing Board to make their argument. The question now becomes if the Township can go the Zoning Hearing Board disagreeing with the interpretation that they don't need that. Solicitor Henninger stated he would have to look into this possibility. Again, the argument is that this is an access drive, and not a road. It does

meet the setbacks from the Nissley Drive. He noted the Board does not have to act on the plan tonight; there is time to look into this. Commissioner Paul added the 35' comes from not only the R-U District, but also the Woodridge PRD and in the Multi-Family District. If the Board approve this, it could be opening up a can of worms by setting a precedent. Can the Board then go back and adjust the zoning ordinance immediately afterwards to get it right?

Commissioner Paul added that parking is not his only concern. Solicitor Henninger explained they provided the documentation that a fire truck can get in and out. If the Board desires, it can ask the Planning Commission to pursue a change to require a setback from an access drive. Ms. Hursh stated that she did review the ordinance thoroughly to try to get clarification. The Board agreed to table the plan in order to further review options.

NEW BUSINESS:

Requests for Funding

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve Request or Funding No. 20 (DCIB 2017 loan) in the amount of \$2,500.69 to the Dauphin County Infrastructure Bank for the Highland Street Bridge Replacement. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Request for Funding No. 21 (DCIB 2017 loan) in the amount of \$1,763.90 to the Dauphin County Infrastructure Bank for the Lumber Street Culvert Replacement. The motion was unanimously approved.

Engagement Letter from Zelenkofske, Axelrod LLC

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the acceptance of an engagement letter from Zelenkofse, Axelrod LLC, Certified Public Accountants, for consulting services for the Township for the period January 1, 2020 through December 31, 2020. The motion was unanimously approved.

Improvement Guarantee Release #2 for PSUU Walkway

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Improvement Guarantee release #2 for PSU Walkway to Church Hall SW2018-01, in the amount of \$20,470.00 leaving a balance of \$0, thus closing out the project. In response to

a question from Commissioner Davies, Ms. Hursh noted this was a stormwater review. The motion was unanimously approved.

Resolution No. 2019-R-10 authorizing sale through Municibid Auction

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve Resolution No. 2019-R-10, authorizing the sale, through Municibid Auction, of a 2004 Chevy Tahoe and 2006 Ford Crown Victoria. The motion was unanimously approved.

Application for Payment No. 5

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve Application for Payment No. 5 in the amount of \$7,007.50 to Mid-State Paving LLC for the closeout of the Lower Swatara Parks Stormwater BMPs project. Commissioner Paul referenced Mr. Fabian's comments that the Township is obligated to provide DCNR signs. He asked if the cost is included in this. Mr. Fabian explained it is separate from the Mid-State Paving contract, but is still part of the grant. Ms. Smith and Mr. Lanman are coordinating with the sign manufacturer directly, but his estimation is the cost will be about \$1,000 each. The motion was unanimously approved.

Award of Contract for Highland St. and Lumber St. culverts replacement project

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the award of the contract for the Highland Street Culvert Replacement and Lumber Street Culvert Replacement Project to the low bidder, CriLon Corp., in the amount of \$462,376.15, subject to receipt of acceptable Performance and Payment Bonds. The motion was unanimously approved.

Submissions for refunding of the 2012 bonds

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the submission of the debt certificate dated October 16, 2019 and the borrowing base certificate as of October 4, 2019 in order to move forward with the refunding of the 2012 bonds. The motion was unanimously approved.

GOOD AND WELFARE:

The Commissioners expressed their appreciation and gratitude for the brave actions of Officer Shea and Officer Melott during the recent shooting incident, and wished them a speedy

recovery. Commissioner Davies asked Chief Vargo to let the Board know if there should be any additional costs for counseling services for any of the officers.

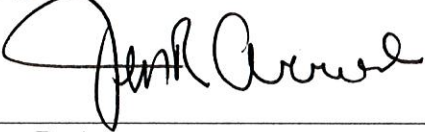
Commissioner Paul underscored the importance of the upcoming MS4 meetings, primarily for the commercial users, and expressed hope that there is a good turnout so everyone is aware of the game plan.

Solicitor Henninger announced that the Board had held an executive session this past Sunday at 6:15 P.M. to discuss personnel matters. In addition to discussion of real estate issues tonight, there will also be discussion on personnel issues.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner DeHart, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:57 P.M.

ATTEST:

A handwritten signature in black ink, appearing to read "Jean R. Arroyo", written over a horizontal line.

Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY
OCTOBER 16, 2019 LEGISLATIVE MTG. – 7 PM

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