

MINUTES

NON-LEGISLATIVE MEETING – OCTOBER 5, 2022

The October 5, 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
- Dominic Visconti, Chief of Police

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

PUBLIC COMMENT:

Laurie Castagna, 1901 Scarlett Lane, expressed concern about squatters being observed at the location of The Pond. It appears the backdoors of the existing structures are being left wide open, or possibly broken into. There are also complaints about a strong odor coming from the back of the property. The police department is aware of this; an officer who was on patrol told one of the neighbors about the squatters. Ms. Castagna suggested the Township address this and contact the owners to find out what they plan to do with the property. Commissioner DeHart asked if any of the neighbors had contacted the Township to inform staff about these problems. Ms. Castagna stated she does not believe they did; she is coming here tonight to convey the concerns from the neighbors. Commissioner DeHart stated it is particularly important that these issues be reported immediately to the police. Chief Visconti asked to speak to Ms. Castagna before she leaves this evening to exchange information.

Ms. Castagna also asked if the Board is aware of the location of the proposed Catherine Hershey School. President Wilt responded that it will be built close to the Lottery Building and Souders Mini Mart, on property which is part of the Messick Farm.

PRESENTATION ON UNION KNOLL SUBMISSION:

Chris DeSanto, Triple Crown Corporation, updated the Board on the proposed Union Knoll Development, a townhome development for Triple Crown. Mr. DeSanto explained that there had been some discussion about the curb deferral, so the thought was to come to this meeting to address it prior to the legislative meeting where action would be requested.

Commissioner DeHart stated that right now, no curbing is being proposed on Route 441 across from the high school and middle school. Mr. DeSanto agreed that they are asking for a deferment, and the Planning Commission has recommended that the curbing be deferred. Commissioner DeHart noted there is already curbing on the opposite side of the road. Mr. DeSanto clarified that it is not on the entire side. There is a deferment on the adjacent property on the opposite side as well. Commissioner DeHart stated there is curbing from up at 200 Oberlin Road as it comes on down where the flashing light is, and past the intersection. He stated it makes sense to have curbing on both sides to control the water. There are presently erosion problems in other areas of the Township where curbing was deferred. He stated there should be a crosswalk over to the school side since there will be pedestrian traffic. Mr. DeSanto explained that from their perspective, putting in curbing increases the water flow which increases erosion downstream. The existing condition is no erosion or sediment control problems on this side of the street. By adding curbing, this could potentially affect the downstream properties with additional velocity and additional erosion. As far as the crosswalk question, there is one shown on the plan. However, PennDOT will have the final approval.

President Wilt stated that he agrees with Commissioner DeHart that curbing should be installed. Mr. DeSanto explained that a lot of thought and consideration was put into the curbing question, and it is proposed on the parts of the plan that they feel curbing makes sense. There are four primary reasons to do curbing: drainage control, access control, reduction of useable right of way, and delineation of pedestrian walkways near roadways. Mr. DeSanto added that from their perspective, they do not really want to encourage three of these, and access control is not applicable at this point. They do not want to put curbing down and make people think it is a

walking area. This is the reason the walking path was placed north of the retention pond -- to keep people off Oberlin Road. The other issue is curbing reduces the usable right of way by putting a structure in the right of way. Commissioner DeHart stated this will be determined by PennDOT as the Township has no control where PennDOT directs the curbing be placed. On the other side of the road, the School District had no say where that curbing was placed.

Mr. DeSanto agreed, but added that from conversations with PennDOT, they do not prefer curbing in their right of way. Commissioner Paul agreed that is generally true, and PennDOT did not prefer curbing on Fulling Mill Road either, but it was put in and they agreed with the Township's concept of why. It also adds a safety element to any of these roads. He stated his concern is that these are two private access points opposite each other, and this area will probably be busier than other roads at certain times of the day. Commissioner Paul added there are also talks about plans by the School District for a third school back off that access road. He stated he feels the whole intersection should be widened for safety reasons, and curbing has a lot to do with the widening, making it safer, and controlling surface water.

Commissioner Paul asked what type of soils are out there. Matt Fisher, R.J. Fisher & Associates, stated it is hydrologic soil group A, sandy loam. Commissioner Paul noted that sandy loam, Lewisberry soils, created an issue on Davis Drive years ago where they did the new technique of no curbing but rather grass swales on the edge of the road. The Township had to go back and rip them all out and pave due to erosion. Past experience shows Lewisberry soils are highly erodible. He stated he feels there should be some flexibility from PennDOT on how the developer can manipulate the curbing at a safe distance so the whole bank doesn't need to be removed.

Mr. DeSanto explained this is why a deferral, rather than a waiver, was requested. He again stressed that they did a lot of research on this issue. A study shows that pre to post curbing actually increases accident rates by about two times as well as severity of accidents on curbed roads. It also creates other issues such as ponding, and the velocity of water creates unsafe traffic conditions. This area is presently functioning well as is. Changing that could present more problems than currently exist at that location.

President Wilt again stated he feels there will be significant activity in this area, especially with the schools and people from the new development walking across the street. He recommended curbing be installed now, prior to waiting for problems to develop. Mr. DeSanto

explained that the curbing will not guide the crossing; there is a crosswalk proposed. President Wilt added that curbing will also help control the rainwater.

Commissioner DeHart stated he appreciates the information shared tonight, although there will be no vote taken at this meeting. He reiterated his opinion that curbing should be installed and possibly even sidewalk.

Commissioner Paul asked Mr. DeSanto about the curbing around the bend into the main entrance to the school. Mr. DeSanto explained the School District has only curbed part of their property, and it appears to be the part that was widened as required by PennDOT. The rest of that curbing on their property was deferred. Commissioner Paul added there is a reason for that, and there is probably a note on the plan stating that curbing will eventually be put in. However, back then it was necessary to work with PennDOT to hopefully improve that intersection which has not yet occurred. He surmised this is something that is on the back burner until there is a better design than what is there now at the bend. Commissioner Paul agreed with President Wilt that there will be some significant traffic in and out of that area, especially if another elementary school is built. He explained that the Township wants to ensure this area is as safe as possible; curbing goes a long way to make it safe despite the studies Mr. DeSanto referenced earlier.

The Board thanked Mr. DeSanto for his presentation this evening.

APPROVAL OF MINUTES

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the September 21, 2022 Legislative Meeting. The motion was unanimously approved.

CONTRIBUTION AGREEMENT FOR POLLUTANT REDUCTION PARTNERSHIP:

Solicitor Flower updated the Board on the Contribution Agreement between the Commonwealth of Pennsylvania, acting through the Department of Transportation, and Lower Swatara Township for a partnership to reduce sediment pollution in the Chesapeake Bay Watershed. She explained the final document is in hand, and PennDOT has accepted all the redline changes. This process included a state-wide contract that PennDOT bid out; it was awarded to RES which is responsible for finding projects in the Chesapeake Bay Watershed that can be used to further the sediment reduction goals as part of the MS4 permit credit

requirements. However, the contractor has determined that there is ongoing development on the site, so the Rosedale project would be incompatible until about 2023. Additionally, once the Township decides it wants to go forward with its portion of the project, PennDOT will have to issue a change order to add Lower Swatara to the statewide contract since it is only participating in this one project. Right now, the contribution agreement is set up for Lower Swatara's contribution to be \$234,000 which is a sediment reduction credit ability of \$1.95 per pound. Solicitor Flower stated her recommendation is to table this item since the project won't be ready until 2023, and the MS4 General Permit has been extended administratively for two years. This agreement does not need to be executed right now, and there are some things that still need to be worked out with the Municipal Authority relative to payment.

Commissioner DeHart asked when it will be ready for approval. Solicitor Flower explained that technically, it can be executed today. Commissioner Paul explained one of the concerns is the Township is already good for this permit cycle, even though it has been extended. The Township certainly would not want this to be equated to this permit cycle but rather to the upcoming permit cycle. Solicitor Flower agreed that she and Mr. Fabian had discussed this at length, and their understanding is the credits can be carried forward. Commissioner Paul suggested this be verified. He also asked if they are questioning the method of payment – will it come from the Authority, a loan, etc. Solicitor Flower responded this agreement does not address the method of payment. It is up to the Township to determine where the money comes from. Commissioner Davies asked if the agreement defines the time period in which the monetary participation is required. Will it be in the 2023 budget year or in 2024? Solicitor Flower stated she will look into this.

Mr. Fabian referenced Commissioner Paul's question about carry over credits and verified that there was a document released by DEP stating that as long as the project is viable, any sediment reduction above and beyond what is required in the current permit term will roll over into future permit terms. Commissioner Paul agreed with Commissioner Davies that the other important question is when they will be looking for payment.

Commissioner DeHart asked if it is correct that the other large project will provide enough credits for this current permit. Mr. Fabiaan confirmed that is correct. The raingardens at Shopes and Old Reliance, and the MEII retrofit on Greenfield reduced some amount of sediment, and then the rest was covered through the buy-in to the WREP. These are all under this permit

term which was due to expire next year but was just extended two-years as Solicitor Flower mentioned. This does not change any of the requirements for the pollutant reduction plan project, just pushes the date out.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to table a Contribution Agreement between the Commonwealth of Pennsylvania (Commonwealth), acting through the Department of Transportation (PennDOT), and Lower Swatara Township for a partnership to reduce sediment pollution in the Chesapeake Bay Watershed. The motion was unanimously approved.

Vice President Truntz referenced page 7, paragraph 7 of the Agreement regarding standard provisions and asked Solicitor Flower if she could obtain some definitions for those. He suggested Standard be capitalized and defined. Solicitor Flower stated she does have these and can forward them.

REQUEST FOR USE OF PROPERTY BY MIDDLETOWN & HUMMELSTOWN RAILROAD:

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve a request by Middletown & Hummelstown Railroad to use Township property at the north end of Swatara Park from October 5 thru October 30 (Pumpkin Patch Express) and from November 15 through December 20 (Polar Bear trains), contingent upon receipt of the required insurance for the events. In response to a question from Debbie High, representing the Railroad, Ms. Arroyo confirmed that she did receive the required insurance information. The motion was unanimously approved.

APPLICATION FOR PAYMENT #1 TO NEW ENTERPRISE STONE & LIME CO.

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve Application for Payment #1 to New Enterprise Stone & Lime Co. in the amount of \$177,093.71. Mr. Fabian explained this is for the overlay and leveling course on Longview. In response to a question from Commissioner Paul, Mr. Fabian explained the line painting was included in the change order but not in this payment. The motion was unanimously approved.

FINANCIAL SECURITY ADJUSTMENT #2 FOR HERSHEY CREAMERY

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve Financial Security Adjustment #2 for Hershey Creamery, Plan 2018-06, in the amount of \$107,573.00 leaving a balance of \$0. The motion was unanimously approved.

DEPARTMENT REPORTS:

Planning and Zoning/Codes Department:

Mr. Fure reported that active projects include UPS (Phase 2 opening slated for October 22), Hershey Creamery (sanitary plant construction ongoing – tanks set), Fiddler's Elbow Warehouse at 2070 N. Union (shell done and tenant signed lease), 250 Fulling Mill Road (completed and occupancy issued), N. Union Pump Station (still waiting for updated completion date), 501 Fulling Mill Rd. (ongoing construction), and Stoneridge Lot 5 (under roof, interior slab poured).

The Zoning Hearing Board met last month and granted a variance to Lower Swatara Developers for the proposed Wawa and quick serve restaurant located at the Linden Center. Another Zoning Hearing is scheduled for October 26 for a canopy/solar panel in the front yard at 1955 W. Harrisburg Pike. The Planning Commission will meet on October 27 and will review plans for Integrated Illumination on Fulling Mill Road next to the fire station, and for The Colony at Old Reliance. An interview was recently held with a candidate for the Planning and Zoning Coordinator position.

Mr. Fure noted he had met briefly with the ELA Group regarding The Pond. They are planning to submit plans next month and will comply with Township ordinance so no relief or variances will be needed. Commissioner DeHart asked if they also purchased the land in the front. Mr. Fure confirmed that they did. Commissioner Davies asked Mr. Fure if the Codes and Planning Department is the appropriate department to communicate with the property owner about the state of the buildings on their property. Mr. Fure agreed to speak to them, but noted if there are squatters involved, he would prefer the Police Department deal with them. Commissioner Davies stated the owner really does need to make provisions to secure the property.

Commissioner Davies asked if the Wawa will have direct access to Route 230. Mr. Fure responded it will not. They will turn either on Meade Avenue or on West Harrisburg Pike at CVS. Commissioner DeHart asked if there is still another building planned for that area. Mr. Fure confirmed there is. It will have to go to the Planning Commission since that lot was privately

owned by the bank when the Linden Centre was developed. Commissioner Davies asked Mr. Fure if he knew who that tenant would be. Mr. Fure stated it will be something smaller in nature due to the size – perhaps a fast-food restaurant.

Vice President Truntz reported that he was approached by a neighbor about survey work being done at the Twelve Oaks Center on Oberlin Road. Apparently they also did some surveying on the center of Scarlett Lane. Mr. Fure stated he is aware of the possible subdividing of three lots at the northern end towards near Ebenezer. There was a sketch plan drawn up, but no representatives showed up at the Planning Commission Meeting.

Commissioner DeHart thanked Mr. Fure for assisting with resolving the issue on Stoneridge. This will need to be watched. He asked why there are no socks by the curbing, as he thought this was required by DEP. He added another issue is the two drains on the top of the property, and suggested they need to be paved before winter. Mr. Fure agreed to contact them to discuss their plans.

Public Works Department:

Mr. Washinger updated the Board on the fuel tanks. Solids at the bottom of the tanks have now been removed down to one inch, which will allow this item to be budgeted for full commission next year.

The fall baseball season ends the first week of November, and a meeting was recently held with John Ponnett at Shopes field to discuss some issues with the mound there. Depending on how winter folds out, this may be an early spring project.

Leaf pickup begins October 17 and has been posted.

Mr. Washington reported on an ongoing problem with the rain spout coming off the public works building which transfers water off the roof directly over into the police bay. During winter, this causes a serious icing effect and, on several occasions, employees have slipped and fell in this area. The Public Works Department made a one-foot trench from the one drain spout directly into the one storm basin to hopefully alleviate the problem. However, he suggested the entire parking lot needs seal coating. A quote was received from the company that the Fire Department uses. The price was approximately \$18,000. Mr. Washinger noted he has another quote that is half that price - \$9,000 -- so he will be looking into why the costs are so far apart. Commissioner Paul asked that Mr. Washinger make sure the coating is of equal quality. Mr. Washinger agreed and stated he would like to get this work done in 2023.

Most of the signage relative to the North Union Street Speed Study is now in place except for the pavement marking sign. Vice President Truntz asked the speed limits in that area.

Mr. Washinger stated that it is 35 mph up to UPS, and then reduced after UPS.

Mr. Washinger referenced a concern regarding the railroad tracks on Route 230 where bicyclists get caught in the tracks. Commissioner DeHart stated there is a sign there that states “cyclists dismount”. Cyclists are not reading the sign. He recalled many fire department calls because of this issue. Mr. Washinger stated he did speak to a PennDOT supervisor to see if they had any plans for this; there does not appear to be any. Commissioner DeHart stated there is not much the Township can do. Commissioner Paul agreed, but suggested the concerns be forwarded to PennDOT and the Railroad.

Commissioner Davies asked if the sealcoating for the Township parking lot is something that will be done this calendar year. Mr. Washinger confirmed that is his intent, and there should be room in the budget if the pricing is close to the \$9,000 quote.

MS4/Stormwater Department: No report

Police Department: Co-responder Program

Chief Visconti reported that in June of 2022, the Board approved participation in the Dauphin County Co-Responder Program administered by the County District Attorney’s office. This co-responder is being shared with Steelton Borough Police Department. In preparation of the 2023 budget proposal and seeking Board approval to continue this participation, a memo was provided to the Board detailing some of the stats. The Board was also provided the previous Memorandum of Understanding, which should not change much. He asked if the Board had any questions about this resource.

Commissioner DeHart asked for the feedback of Chief Visconti and the officers. Chief Visconti stated he feels this is a tremendous resource. In instances where a Township resident or a person in the Township is experiencing a behavioral health crisis, this is invaluable and can enhance de-escalation efforts if necessary. The co-responder not only offers services on the scene but also provides follow up services to ensure the individual is getting the help that he or she needs. This enhances public safety. Commissioner DeHart asked if any problems have been experienced since this program started. Chief Visconti stated there have been no problems or complaints from the officers.

Commissioner Davies referenced the possible budgetary expenditure for 2023. Chief Visconti explained he had a discussion with Ashley Yinger of the County, who administers the program. She anticipated the cost for the Township to participate in the program next year will be between \$20,000 - \$25,000/year. Commissioner Davies asked if this will create any hardship to the 2023 police budget. Chief Visconti responded it will not. Commissioner Davies asked Chief Visconti if he finds this to be a cost-effective program. Chief Visconti stated he absolutely does and feels having a mental health professional on the scene to de-escalate situations can also help with any potential liability issues.

President Wilt asked Chief Visconti if he is working on getting grant funding for this. Chief Visconti explained that in the grant application he is presently working on, there is a clause that specifically states that the grant funding cannot be used for resources or services that are budgeted for. He stated his fear that if the money is not put in the budget for this and the grant money is not awarded, there will be no funds for this program. Again, he stated the grant funding cannot be supplanted, only supplemented. President Wilt asked if the County is working on a grant for this program. Chief Visconti stated they very well could be, as he knows the County is also applying for grants for various programs to assist all the local police departments. Commissioner Davies suggested omitting this funding in the preliminary budget, and then amending the budget later to include this expenditure if necessary. Chief Visconti stated the timing may not be optimal, since the funding announcement on who is to receive this grant is due to happen on December 14. Commissioner Paul noted the budget could be reopened. Commissioner Davies observed that the final meeting of the year is December 21. Vice President Truntz commented that \$20,000 - \$25,000 is not a lot of money to amend the budget. President Wilt stated that after speaking to Commissioner Hartwick, he would not be surprised if the County is looking for potential grant money for this program.

MANAGER'S REPORT:

Commissioner Paul reminded everyone that there is a soccer tournament scheduled at Greenfield Park this weekend, as well as a fundraising event at Memorial Field on Sunday. He noted the police may want to swing by both events. In addition, the Lions Club Halloween Parade is scheduled for October 20. He noted that the route usually includes Burd Road, which is slated for repaving. Hopefully there will not be a conflict. There will be a Special Meeting of

the Municipal Authority tomorrow at 6:00 P.M. to act on a resolution authorizing the undertaking of the Conewago Creek Restoration Project.

Commissioner Paul reported on a recommendation from the experts to take invested money away from the foreign companies and keep it strictly in the United States due to world events. The Board concurred with following the advice of the experts.

Commissioner Paul requested an executive session immediately upon conclusion of this evening's meeting for a personnel issue as well as a potential legal issue.

Vice President Truntz asked the date of the Fire Department's Open House. Commissioner DeHart reported it is scheduled for October 13.

ENGINEER'S REPORT:

Mr. Fabian reported on the Greenwood site project. All the concrete has arrived for the installation of that storm sewer system but none of the anchor systems for the one box have arrived yet. Hopefully things will be underway soon.

Mr. Fabian referenced Commissioner Paul's comments about the Lions Club Halloween Parade and noted he will address this with the contractor. It does appear the work should be completed earlier that week. Milling has started in Old Reliance this week. Updates for the road work has been posted on the website and Facebook, and updates will be provided on Fridays, sharing as much information as possible with the understanding that there are supply struggles and weather conditions that change things.

Construction on the Fulling Mill Road Boat Launch Facility should start early next month at the latest. Doli is almost complete with the punch list items for the Rosedale Manor Stormwater project to prepare for final completion of the project. Commissioner DeHart asked if the issue with the streetlight has been resolved yet. Mr. Fabian responded it is still pending. Commissioner Paul added the letter regarding payment for this has been prepared to send out when appropriate. Mr. Fabian added that PennVest informed him that in order to close out the loan, there can be no outstanding litigation issues so this will need to be discussed with Doli.

Survey work for the Meade Avenue storm sewer repairs is complete, and the project is now in design. There was some coordination with DEP on the MEII closeout to get final reimbursement of the remaining funds on that grant. Mr. Fabian reported that the Community Development Block Grant submitted through Ms. McBride was approved for ADA improvements at several parks. This

is a \$50,000 50/50 grant. As requested at last month's meeting by resident Linda Raphael, contact was made with PEMA to ensure everything is being processed for the hazard mitigation grant program for possible buyouts of flooded properties. They did request two additional forms be signed by the volunteering participants, and these were mailed to the impacted residents.

Commissioner DeHart referenced the patch repair on Cockley Road and asked when the work will be completed. Mr. Fabian stated he believes the remaining paving for this and Delmont is scheduled to be done this week. Commissioner DeHart also informed Mr. Fure that the final coat for the cut on 1300 AIP Drive needs completed. Mr. Fure explained this is UGI, and they typically do all their patches in the Township in one week.

Mr. Fure stated that he will be providing the Board information in the near future regarding solar rays. He noted the amount of phone calls and inquiries for solar rays in the past two weeks has been tremendous. The Township will need to do some ordinance upgrades because the current ordinance is geared more towards residential. More information will be forthcoming. Commissioner Davies commented that he is aware of another state's requirement for a hard agreement with the owner of the property relative to decommissioning of the equipment. Mr. Fure explained that PA seems to be behind on this issue. Delaware Planning Commission does have something similar in place. Mr. Fabian added he had met with Tri-County Planning Commission today, and they have drafted a model ordinance on this. Mr. Fure stated he will follow up with them, since this will impact everything, including stormwater, land development, zoning. Evidently there is a federal grant for 30% of the cost of construction of these. Commissioner Paul added that the location of these is extremely important.

GOOD AND WELFARE:

Commissioner DeHart thanked the public for their attendance and input, and asked Ms. Castagna to convey to her neighbors the importance of contacting the Township immediately when they see a problem. Chief Visconti agreed that they should call 911, and the police will respond. He noted, however, that the property owner must be the ones to say they don't want the squatter on their property.

Commissioner Davies also thanked everyone for making the Board aware of issues which need addressed.

Vice President Truntz expressed his gratitude to Commissioner Paul and staff for continuing to fill in while the Township operates without a manager. He stated this is not taken for granted or overlooked. He also thanked Solicitor Flower for filling in for Solicitor Miller tonight and added that she did an excellent job on the intermunicipal agreement for the MS4 projects.

President Wilt referenced Ms. Castagna's question about the Catherine Hershey project. He noted he is a graduate of the Milton Hershey School and was invited to a meeting where he had an opportunity to hear their plans. The school will probably not open until two years, but it will definitely be a nice project. President Wilt also expressed his appreciation to Commissioner Paul and the staff for their assistance during this time.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Vice President Truntz, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:11 P.M.

ATTEST:

Jean R. Arroyo
Township Secretary

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