

MINUTES

LEGISLATIVE MEETING – SEPTEMBER 16, 2020

The September 16, 2020 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by Vice President Todd F. Truntz. The following officials were in attendance:

- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Betsy McBride, Township Manager
- Jean R. Arroyo, Township Secretary
- Peter R. Henninger, Solicitor (via Zoom)
- Shawn Fabian, HRG
- Ann Hursh, Planning and Zoning Coordinator
- Dominic Visconti, Police Chief

Absent: Jon G. Wilt, President

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

Vice President Truntz welcomed everyone to the meeting, and opened the floor for public comment.

PUBLIC COMMENTS: None

UPDATE BY COHEN LAW GROUP ON COMCAST FRANCHISE RENEWAL:

Dan Cohen, Cohen Law Group, updated the Board on the Comcast Franchise Renewal Agreement. Mr. Cohen reported the good news is that the Comcast Franchise Renewal negotiations are complete. This agreement maximizes the franchise fee revenue to the Township, including a few more revenue sources subject to the franchise fee and the prior agreement. It has strong franchise fee accountability measures, customer service standards, right of way protection, reporting requirements, cable system and service area requirements, and reserves the right for an educational and governmental channel including a small grant (\$11,406) associated with that. It also includes strong enforcement measures, and monetary fines

for violations of the agreement. The agreement includes a competitive equity section, which is basically Comcast saying that if the Township were to franchise with another cable operator – which it does with Verizon – that agreement cannot be more favorable to the competitor than it is to Comcast. Mr. Cohen stated this is just a brief overview. The Board has been provided a copy of the agreement as well as the draft ordinance required for second class townships to approve this agreement. Ms. McBride clarified that Lower Swatara Township is actually a first-class township, and asked if this ordinance is necessary. Mr. Cohen stated that in this case, Lower Swatara would only need to pass a resolution. Mr. Cohen agreed to provide Solicitor Henninger with the revised paperwork for consideration at the October 7 workshop meeting. He added that Comcast will honor the terms of the current agreement until the new agreement becomes effective. Mr. Cohen asked if the Board had any questions.

Commissioner Davies referenced page 19 which addresses gross revenues to be paid to the Township. He asked the sources of those revenues. Mr. Cohen explained the Township is allowed to assess up to 5% of the cable operator's gross revenue for cable services. Pages 3 and 4 of the agreement enumerate the 25 separate revenue sources; the current agreement has fewer since there are now new services provided. Commissioner Davies asked if telephone services are included in this list. Mr. Cohen stated they are not, since the right to assess a franchise fee comes from the federal cable act and only covers cable services, not phone or internet services. Commissioner Davies asked if security systems are included. Mr. Cohen responded they are not, as they are deemed an internet service and therefore not subject to the franchise fee. Commissioner Davies questioned the grant monies available to help fund access activities at the municipal level and asked if this would cover production equipment that could be used to live-stream public meetings such as this one. Mr. Cohen explained that it would not, as it is supposed to be used for an EG (educational and governmental) channel over the cable system.

Commissioner Davies stated his understanding that the Township Building receives free services, and asked if the Fire Department also receives free service. Mr. Cohen explained that the FCC came out with an order last year, a summary of which was included in the information sent to the Board. Basically, the order says that in-kind services such as courtesy services and pay channels can be offset against franchise fees. In other words, they are part of the franchise fee. A lot of municipalities are challenging that decision, and hopefully it will be overturned. Until it is, however, Comcast does not have to give services for free to the Township. The

Township has to pay for them. This would include the Township Building, Fire Department, public schools and libraries, etc. Mr. Cohen suggested that Exhibit A of the agreement still include a list of the facilities for which the Township would like free services provided, such as the municipal, school and library facilities. If the order is overturned, Comcast will then provide these services for free again.

Commissioner Davies referenced some of the new wireless technology and asked if Comcast will be setting up poles in the neighborhoods that have underground services. Mr. Cohen explained that Comcast will not be giving up its wired system, which is a huge money maker for them. However, they have been getting into the wireless business, primarily by putting Wi-Fi boxes on their wires. The Township can regulate those through a wireless ordinance. He noted that some of the major wireless companies are putting wireless facilities (new poles, new antennas) in the public rights of way to boost capacity. Mr. Cohen recommended the Township amend its wireless ordinance to address these new small cells in the public rights of ways. In response to a question from Commissioner Davies regarding underground services being brought to the surface, Mr. Cohen stated he does not feel Comcast will be the big one. He anticipated these will be Verizon, AT&T, etc. He added the Township does have control over this through zoning and through right of way authority. However, the Board needs to make sure its ordinance addresses this. Solicitor Henninger noted that the Board does have a proposal from Mr. Cohen for this, but it came in advance of what is known as the CrownCastle decision. Commissioner DeHart asked if the right of way ordinance would address private areas as well as public areas. For example, the Fire Department and Turnpike each have a cell tower on their property. Mr. Cohen explained there are three categories of properties where these cell towers or wireless facilities can go: private property, public rights of way, and state rights of way. The Township already has a pretty strong cell tower ordinance that addresses the first category. He recommended the Township amend it to address wireless facilities in the rights of way. As for the state roads, PennDOT has not yet come out with regulations for small cells. At the moment, wireless companies have seemed to comply with the townships' wireless facilities ordinance, even if it is a state road and the township does not technically have control over that right of way.

Commissioner DeHart questioned the list in Exhibit A and how that would impact the fees. Mr. Cohen explained the Township could pay directly for the fees for the locations listed in the exhibit, or the fees could be offset against the franchise fee unless or until the FCC order is overturned. Listing these locations in Exhibit A would not automatically result in services being provided or billed. The Township would have to notify Comcast in writing that it wants services to be provided to those locations. Mr. Cohen again recommended that the Board provide a list of facilities in Exhibit A.

Commissioner Paul asked how the Township can be sure it is getting its fair share of these fees. Mr. Cohen explained that there is a franchise fee accountability section in the agreement. It requires a line-item report with every check that the Township receives. It also gives the Township the right to do a full audit. In addition, there is bundled services protection. For example, it would ensure that a portion of the late charge from a customer who has the "triple play" bundle would also go to the cable services. Commissioner Paul asked how the Township would even be aware if an injustice existed as far as receiving the correct franchise fee. Mr. Cohen explained the line-item report is very useful. In addition, a franchise fee audit could be performed, and really should be performed anyway every four or five years. Solicitor Henninger recalled a franchise fee audit being performed during this last contract, and there were almost no issues with underpayments. However, the other part of the audit had to do with expansion of the service, and Comcast was late in getting that underway. Vice President Truntz asked how much one of these audits would cost. Mr. Cohen responded a \$5,900 flat fee is typically charged for an audit. Solicitor Henninger added that he recalls this number came down last time as a result of other municipalities in the CAP COG also participating in an audit process.

Solicitor Henninger explained the next step would be to revise the draft ordinance and make it a resolution. The resolution can then be placed on the agenda for action. He added that he would also like a copy of the prior franchise agreement in order to see what was listed in Exhibit A. Commissioner Davies asked if a public hearing is necessary. Mr. Cohen stated it is at the discretion of the Board, but is not required since this is a resolution.

The Board thanked Mr. Cohen for his update.

APPROVAL OF MINUTES:

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the Minutes of the September 2, 2020 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the payment of bills as presented on Warrant No. 2020-8. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the Treasurer's Report for August 2020. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Activity Report:

Chief Visconti provided the summary of statistics for the Police Department for the month of August. The Department had 734 total calls for service. There were 14 part 1 crimes, 27 part 2 crimes, 39 cases reported, 21 total arrests, 3 DUI arrests, 227 traffic citations, 4 non traffic citations, 58 written warning, and 15 accidents. Patrol miles driven totaled 9,631 with 500 minutes of foot patrol.

Commissioner Davies asked if this is an increase in the traffic citation numbers. Chief Visconti agreed that it is. Most were a direct result from activity from the midnight shift and the aggressive driving detail. Commissioner DeHart asked if the traffic speed sign can be placed at the 1500 block of North Union Street and at the farm near the bend. He noted it is getting pretty busy out there, and it might help slow vehicles down. Vice President Truntz reported that a resident had expressed concern about some issues in the Brentwood area, possibly coming from the Georgetown area – people urinating in yards, broken windows, etc. He asked if patrols could be done more frequently. Commissioner DeHart referenced Strites Road, coming down to Longview. There is a stop sign at the intersection. He asked if Chief Visconti could look at the

possibility of putting another sign stating “stop ahead” since drivers are blowing through Strites and Old Reliance, while Longview has the right of way. Commissioner Davies stated he has noticed debris on the roadway, particularly on North Union Street coming south from the entry to the quarry. He asked if the Police Department could advise the Public Works Department if they observe debris on the road, and perhaps the owner of the property could also be notified. Chief Visconti agreed to do so, but also noted he had personally observed crews from the site cleaning the debris. They do appear to be tending to their spills there, but this can be looked into further if it becomes a frequent situation.

Purchase of new police uniforms:

Chief Visconti referenced a packet of information he had provided to the Commissioners regarding the purchase of new uniforms for the department during this budget year. Quotes were received from several vendors through the Costars program. He requested approval for a purchase from Witmer Public Safety (\$13,385.86) and CustomPatches (\$763.97) for new police uniforms for a total of \$14,149.83. This price includes purchase of all the uniforms, the patches, and the customization fee for applying the patches onto most of the upper garments. The vendor will deliver these items, so there will be no delivery charge. In response to a question from Commissioner DeHart, Chief Visconti stated he believes the amount budgeted for this was \$25,000 or greater. Some of the items are in stock and some are not, but he anticipated delivery before the end of the year. A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the purchases of the uniforms, patches and application of the patches at a total cost of \$14,149.83, but not to exceed \$14,500. The motion was unanimously approved.

Purchase of new flashlights:

Chief Visconti also requested authorization to purchase twelve flashlights and accessories (chargers and holsters) for Police Department personnel from Witmer Public Safety at a total cost of \$1,411.92. The vendor will deliver the flashlights, so there will be no shipping costs involved. Again, quotes were received through several Costars vendors, and this was the low quote. In response to a question from Commissioner DeHart, Chief Visconti explained that the quote includes pricing for individual chargers and there are ample outlets in the locker room to charge these flashlights. Commissioner Davies asked the brand of the flashlights. Chief Visconti stated they are the Streamlight brand, which is top of the line. He explained that only

twelve are being purchased since two of the officers already have them. A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the purchases of the flashlights and accessories at a total cost of \$1,411.92, with an amount not to exceed \$1,500. The motion was unanimously approved.

Vice President Truntz reported that Commissioner DeHart had brought up the possibility of body cameras for the officers. Chief Visconti agreed that with current times, this is definitely a good thing to consider as it helps to prevent confusion over what really occurs during a police situation, as in the case of the recent Lancaster situation. This would also require computer data storage space for all the video files. Commissioner DeHart added that former Police Chief Vargo did have a server set up for this possibility. Chief Visconti added that he will also be doing research with other local police departments to discuss equipment and policies. Commissioner Davies requested that he also review the specs for the equipment that was purchased for the dash cams, since his understanding was that there was extra storage space allowed for this.

Commissioner Paul remarked that with schools reopening, he assumes the School Resource Officer is back to his duties. Chief Visconti confirmed that SRO Thomas is indeed back at the schools.

Vice President Truntz asked if the department has appropriate gear and equipment should there be some civil unrest. Chief Visconti responded that he is budgeting for riot gear for next year. In addition, he plans to reach out to Fran Chardo to see if there is any County grant money available for riot gear, since it could also apply to a mutual aid situation.

Fire Department

Bill Leonard, Fire Department President, referenced Chief Weikle's monthly report. He thanked the Township for providing maintenance on one of the chief's vehicle. As mentioned last month, the Department is working on building improvements including the air conditioning, the sprinkler system, and UV protection for the front doors. A significant amount of time was spent on looking at insurances. The personnel insurance seems to be well in hand. However, between the Fire Department and Township, there had been some combination of collision, comprehensive, and liability insurances: two were held by the Fire Department and one by the Township. The two carriers agreed that it made more sense to consolidate this all to be held by

the Fire Department. This was done last month. The Fire Department is also looking at the replacement value coverage for the building, which is the Fire Department's responsibility based upon the lease agreement. Mr. Leonard added the Fire Department pays about \$45,000 a year in insurance, which is separate from the \$30,000 paid for workers compensation insurance. The Department will also be taking a look at contracts, including the possibility of one for parking at the Lottery building next door. In the present climate, however, it may not make sense right now to talk about a parking lease since employees are working from home. Mr. Leonard added that the Township has a contract with the Hershey EMS, but the Fire Department does not have a contract with them. There should probably be discussion between some or all of the parties to see if there is a fair rate being paid by the EMS for the office space, vehicle space, heating/air conditioning, kitchen, etc. that they use as part of being housed at the fire station. The Fire Department will be starting the budget process tomorrow night and will hopefully have a draft budget for the Board to look at prior to finalization of the Township's budget. A few key positions in the Fire Department are vacant, and these are being looked at, including committee assignments and policies.

Commissioner DeHart asked if the Department is looking into the cell tower agreement. Mr. Leonard responded that this is on the list of contracts to review. It does have an escalation clause in there to bring the fees up every few years. Commissioner DeHart explained that cell phone companies are changing the way they negotiate, going off of data. He added that attorney John Davidson did the last negotiations, and he is getting ready to retire. It may be good to reach out to him.

ENGINEER'S REPORT

Mr. Fabian referenced his written report, and provided updates.

An update was provided on the microsurfacing work being done by Stewart & Tate. They finished Kreider and are moving on to Cockley. The plan is to have the microsurfacing wrapped up by the end of next week, weather pending. Vice President Truntz asked if the neighbors were notified. Mr. Fabian responded he has not heard any complaints about notifications. Commissioner DeHart added there is signage placed on Strites. He also observed that Kreider is not actually finished but should be tomorrow. Commissioner DeHart asked the life of the work. Mr. Fabian stated he is not sure, but it would depend on the loads coming over

it. Commissioner DeHart added he is not too thrilled with the surface right now.

Commissioner Davies agreed that it appeared they were overlaying the imperfections. He asked if the final coat will fill these imperfections. Mr. Fabian agreed the microsurfacing should fill this if there is not a loss of structural integrity underneath.

The Greenfield Park Basin Retrofit and Riparian Buffer – Mariner East II project is substantially complete. Final costs were received for the out of scope work performed by the contractor for the Greenfield Park Basin Retrofit and Riparian Buffer – Mariner East II (MEII) Pipeline Project. The change order for this contract amendment is on tonight's agenda

The Township is still waiting on a revised schedule from Doli for mobilization to the field to start construction on the Rosedale Manor stormwater project. The contractor anticipated this to occur in September, but has provided no updates. Apparently PPL is the holdup, since it needs to make sure the electric lines are moved. Mr. Fabian stated he will apply more pressure to get this schedule. Commissioner DeHart asked if the Board should send a letter. Mr. Fabian stated he is not sure it will help, but the Board can certainly do so if it wishes.

HRG is assisting with the closeout paperwork processing, as requested, for the Bradford Avenue Residential Home Demolition Assistance – FEMA Flood Mitigation Assistance in order to complete the grant closure and consider this project complete.

Staff continues to secure all easements necessary for the Spring Garden Drive Culvert Replacements project. Solicitor Henninger reported that he did receive the one for First Industrial, and feels the easement for the Cigic estate and for the Bragunier property will be secured. Commissioner Davies asked if the completion dates listed in the report are achievable and realistic. Mr. Fabian stated that he will speak to Ryan Hostetter of HRG to discuss if adjustments need to be made. Commissioner Paul added there is a UGI gas line on that culvert. Mr. Fabian agreed, and noted there is also a sanitary replacement that needs to occur there.

HRG has assisted with data requests, budgeting support, PRP project scheduling, and preparation of items needed for the annual MS4 report, which is due September 30.

Mr. Fabian reported that he did speak with Scott Bollinger at the Fish and Boat Commission regarding the PFBC Boating Facility Grant Application. The final grant contract is making its circle for signature. After the final contract is received from PFBC, HRG will prepare a scope and fee for Board approval for the design and permitting of the site for approval at a future Board meeting.

Vice President Truntz referenced the written update regarding the RACP Grant for Richard L. Shireman Park Development which is listed as a \$1,000,000 project so it is technically a \$700,000 match on the Township's part. Obviously, this is not what the Board was expecting going into this. He did mention this to Representative Mehaffie, who suggested there may be some negotiation that may not be carved in stone. Vice President Truntz suggested this be looked into. Mr. Fabian explained that HRG has a person on staff with RACP experience, Kay Goodman, and she is working with the Township on this process. Mr. Fabian added the Township is under the gun right now to pull together the business plan for the submission which is due in February. The Township needs to decide what the master plan will be for the site. If it is going to ask for additional funds, that request needs to start. An appraisal would be needed to see if the Township can count value of land towards some of that match. Originally it was a DCNR loan that was used to purchase that property, so the Township needs to take a look at the investment of that versus the total value of land now to see if there is any equity that can count towards it. Mr. Fabian anticipated the Township will probably need to go through a design exercise to go through a master site plan. Vice President Truntz recalled that when this property was purchased, the idea was to start incrementally and perhaps begin with some softball fields, parking areas, and walking trails rather than do everything right away. Mr. Fabian added a CFA grant for the Greenways Trails program was submitted to get in there and start a smaller access drive to a small parking area and do a lot of the restoration; after this year, the Township will have to ask for exemption to be able to continue to farm there. Mr. Fabian added that unfortunately, he did hear the CFA is delaying a lot of their announcements until the spring.

SOLICITOR'S REPORT: None

MANAGER'S REPORT:

Modular Bi-File Sliding Storage System

Ms. McBride noted that Brian Davis was recently hired as MS4 Coordinator, and has been working out of the code's office. The intent is to move him into the Municipal Authority office, and purchase a cubicle (about \$2,500 - \$3,000) and sliding shelving storage (about \$5,000). There are several suppliers on Costars; Ms. McBride asked Board authorization to move forward with these purchases. Commissioner DeHart asked if the purchases would be paid

for by the Township or Municipal Authority. Solicitor Henninger stated it would be proper for the Municipal Authority to cover these expenses.

Proposal for HR consultant

Ms. McBride stated that she would like to have job descriptions written. She has looked into some consultants, one of which she would like to use. This expense is in the budget.

Ms. McBride asked the Board if she could proceed with this. Commissioner DeHart remarked that this may be covered by the grant. Ms. McBride agreed that she received approval from the EIP for them to pay 2/3 (about \$1,200) of this expense. The Board expressed no objection to Ms. McBride moving forward with this.

Eagle Scout Project at Memorial Park

Nathan Russo had been before the Board previously to seek approval on plans for his Eagle Scout project. He plans to erect five flag poles dedicated to the military at Memorial Field, and hopes to make the dedication on Veteran's Day, which is November 11. Ms. McBride added there was also some informal discussion about changing the name of the park, perhaps to Armed Forces Memorial Park. The Board concurred that it prefers to keep the current name.

Comprehensive Recreation, Park and Open Space Plan

Ms. McBride updated the Board on the Comprehensive Recreation, Park and Open Space Plan. Sherri Mattern of DCNR has reviewed the scope of work that HRG put forward and the plan put together, and has some discrepancies. Ms. McBride reported that she and Mr. Fabian met this morning and went over each one. Mr. Fabian will note the changes made, and Ms. McBride will print out copies for the Board to review. Most are minor in nature. However, they are asking for some priorities and estimates. Ms. McBride explained that she does not want to lock the Township in, so she will note that some of the items will depend on the budget year. The Township does need this plan so it can pursue grants.

MS4 Fee

A letter was recently mailed regarding the upcoming MS4 fee. While there were a lot of phone calls, most were just confirming their understanding of the letter. Commissioner Paul noted the letter refers to the sewer bill, and many residents are on septic and do not receive a sewer bill. Ms. McBride agreed that she should have included a sentence in the letter regarding this. Ms. McBride also noted she will be asking the Municipal Authority if the Township will be paying MS4 fees on its property. Solicitor Henninger explained that it will not pay; the roads

were exempted and the Township Building will also be exempted. Ms. McBride asked if the parks will also be exempt. Solicitor Henninger confirmed they will be. One pocket into another pocket does not make sense. Commissioner DeHart remarked that the Fire Department is actually a Township building. Solicitor Henninger explained that this is a leased facility and under a lease option to buy agreement. He stated his opinion that the Fire Department is subject to the fee.

Tax collections

Ms. McBride reported that she had been contacted by two organizations regarding services to make sure the smaller taxes such as the earned income taxes, local services taxes, and per capita taxes are being collected. She agreed to look into this, but noted she is concerned that there may be a requirement for people to register with the Township whenever a property is sold. This may be required prior to settlement on the property. Ms. McBride explained that she worked for a township that did this and it was cumbersome. In response to a question from Commissioner DeHart, Ms. McBride stated that she does like Berkheimer Tax Collection. However, she noted that some of these larger companies have so many clients that they might not be aware of all the new developments. Ms. McBride explained that using one of these organizations would not replace Keystone Collections or Berkheimer, but would supplement them. She agreed to provide the Board more information on this at a future meeting.

Future Meetings/Events:

September 23	7 PM	Zoning Hearing Board
September 24	CANCELLED:	Planning Commission Meeting
September 28	7 PM	Municipal Authority Meeting
October 7	7 PM	Board of Commissioners' Workshop Meeting

Ms. McBride referenced the question posed earlier tonight about the longevity of the microsurfacing, and reported that it is expected to last from five to ten years, depending on many variables. There is a warranty provided.

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul reported that the Lion's Club will not be holding its annual Halloween parade this year, but may be looking into doing something else. Chief Visconti added that this morning, the Dauphin County Chiefs of Police voted unanimously to defer the decision on if, and when, trick-or-treat will be held to the individual municipalities.

He noted his understanding that traditionally, it is held here in Lower Swatara on a Thursday. There will be three officers working on Thursday, October 29. Vice President Truntz stated he feels there have been a lot of disappointments this year, and suggested the Township should hold trick or treat. Those who are not comfortable can stay home and keep their lights off if they do not wish to participate. He stated his recommendation would be October 29. Commissioner Paul agreed this date makes the most sense. Commissioner DeHart asked what the surrounding areas are doing. Chief Visconti stated they are probably still deciding. Commissioner DeHart suggested social distancing be strongly encouraged. A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to set the date of October 29, from 6 PM to 8 PM, for trick-or-treat with the recommendation that social distancing be practiced. The motion was unanimously approved.

Budget and Finance Committee: Commissioner Davies – reported that revenue collection is running okay, at 71% of budget. Expenditures for the same period have only been 45% of budget, which is good news. However, purchases do sometimes pick-up at the end of the year.

Public Works Committee: Vice President Truntz – reported that the crew is busy mowing, replacing stormwater inlets, performing park maintenance work, etc.

Community Development: Commissioner DeHart – reported that MARA will probably be interviewing in the fall for a new Director, with the idea of having that person in place by the first quarter of next year. Not much is going on due to Covid, but there are hopes that the Valentine's Day Dance can be held in February.

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS:

Amendment to Development Agreement for D&H Proposed Warehouse

Charles Courtney of McNees Wallace stated he would be happy to address any questions about the proposed Amendment to the Development Agreement for the D&H Proposed Warehouse. Vice President Truntz observed the red-line version appears to be mostly technical in nature, and asked if HRG is recommending the Amendment. Mr. Fabian agreed they are. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Amendment #1(traffic signal) to the Development Agreement for the D&H Proposed Warehouse, PC File #2019-03. The motion was unanimously approved.

Proposal from ROBB Consulting for financial evaluation of LST Fire Department

Vice President Truntz referenced the proposal from ROBB Consulting LLC for financial evaluation of the Lower Swatara Fire Department. Last week, he met with Representative Mehaffie who had some concerns and wanted some input as to the Fire Department finances. A meeting was scheduled for October 8 with members of the Fire Department, Representative Mehaffie, Commissioner DeHart, and Vice President Truntz to come up with a game plan moving forward, hopefully including the evaluation by ROBB Consulting. The Board agreed to place this on the agenda of the October 21 legislative meeting.

Comcast Franchise Agreement

Solicitor Henninger reported that as mentioned earlier tonight, there will not be the need to advertise or prepare an ordinance for this, but there will be a resolution required for the Cable Franchise Agreement with Comcast of Southeast Pennsylvania, LLC. This should be ready for action at the October 7 meeting. While a public hearing is not legally required, the Board agreed that the agenda will state that the public can provide comment on the Comcast operations prior to acting on the resolution.

NEW BUSINESS:

Improvement Guarantee Reductions

The first item under New Business was the Improvement Guarantee release for Enterprise Holdings – Pre-Delivery Inspection Center in the amount of \$41,210.00 from \$49,668.00 leaving a balance of \$8,458. Commissioner Paul asked the location of this project. Commissioner DeHart stated this is the old SmartPark area. Commissioner Paul stated it would be helpful in the future if staff could include addresses for these projects. Ms. Hursh agreed to do so. A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve the Improvement Guarantee release for Enterprise Holdings – Pre-Delivery Inspection Center in the amount of \$41,210.00 from \$49,668.00 leaving a balance of \$8,458. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the correction of Improvement Guarantee Reduction #1 for Campus Heights, PC File #2018-01, in the amount of \$1,756,333.000 leaving a balance of \$619,833.00. Ms. Hursh added this reduction was on the agenda last month and was approved. However, her

numbers and Mr. Fabian's numbers did not match due to a check from Mr. Genesio. Therefore, this is a corrected reduction. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Improvement Guarantee Reduction #3 for Middletown Area School District High School, PC File #2013-05, in the amount of \$78,955.63 from \$177,121.25 leaving a balance of \$98,165.62. The motion was unanimously approved. Commissioner Paul noted it has been six years since this project began, and asked what items are outstanding. He asked if it is just trees. Mr. Fabian agreed there are trees involved, but the majority of the balance is the contingency being held. There is also a pipe that needs to be cut, flushed and grouted. No reduction was requested since 2018. In response to a question from Commissioner DeHart, Mr. Fabian explained that it is the developer's responsibility to request the inspections and releases, and it does benefit them to do so.

Change Order #1 for Mariner East II project

Mr. Fabian addressed Change Order #1, in the amount of \$1,904.82 to Custer Excavating, Inc. for out-of-scope work associated with the Greenfield Park Basin Retrofit and Riparian Buffer – Mariner East II (MEII) project. He explained the specifics of the work, and noted the costs are reasonable. With this payment, there will be a balance of about \$15,000 left in that MEII grant. Mr. Fabian stated he would like to initiate a conversation with DEP to see if instead of losing that money, it can be redirected for the preliminary environmental investigations for some of the PRP projects such as the stream restoration projects. The Board agreed. A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve Change Order #1, in the amount of \$1,904.82 to Custer Excavating, Inc. for out-of-scope work associated with the Greenfield Park Basin Retrofit and Riparian Buffer – Mariner East II (MEII) project. The motion was unanimously approved.

Minimum Municipal Obligation for the Police and Non-Uniform Pension Plans for 2021

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve the Minimum Municipal Obligation for the Police and Non-Uniform Pension Plans for 2021. The motion was unanimously approved.

Partial real estate tax refunds

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve a partial refund of \$5,080.68 for 2019 and 2020 real estate taxes to CRS Realty Harrisburg, LLC, 3 Terminal Dr., Middletown, PA. The motion was unanimously approved.

Executive session

Ms. McBride requested an executive session immediately upon conclusion of this meeting for personnel reasons.

GOOD AND WELFARE:

Commissioner DeHart observed that the Public Works Department was trimming back high weeds on North Union Street today. He thanked them for keeping the right of ways cleared. He also expressed his appreciation to the Police Department for being out there in these difficult times. He asked that everyone keep aware and be safe.

Commissioner Paul stated he takes walks through the Greenfield Park and found it very refreshing to see the kids out there kicking soccer balls around. He expressed hopes that things are moving in the right direction.

Commissioner Davies thanked Mr. Leonard for his update tonight and thanked Chief Visconti and the police officers for all they do.

Vice President Truntz thanked everyone for coming out this evening.

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 9:20 P.M.

ATTEST:



Jean R. Arroyo
Township Secretary

SEPTEMBER 16, 2020 WORKSHOP MEETING -- 7:00 P.M.

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