

## MINUTES

### NON-LEGISLATIVE MEETING – SEPTEMBER 2, 2020

The September 2, 2020 Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt.

The following officials were in attendance:

- Jon G. Wilt, President
- 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 (via Zoom)
- Lester Lanman, Public Works Director
- Dominic Visconti, Chief of Police

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

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

PUBLIC COMMENTS: None

#### APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Minutes of the August 19, 2020 Legislative Meeting. The motion was unanimously approved.

#### PROPOSAL FROM ROBB CONSULTING:

Vice President Truntz suggested the Board again table the proposal from ROBB Consulting LLC for financial evaluation of the Lower Swatara Fire Department. He explained the financial information took a bit more time to obtain from the Fire Department, which he can understand since they are volunteers. In addition, Representative Mehaffie wants to give some input on the Fire

Department finances. After that is done, Vice President Truntz suggested a discussion be held with some representatives of this Board, Ms. McBride and representatives of the Fire Department to review things prior to moving forward with the consultant. Commissioner DeHart suggested this be placed on the next meeting agenda.

#### APPLICATIONS FOR PAYMENT:

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve Application for Payment #2 in the amount of \$43,370.42, as submitted by Custer Excavating for the 2019 LST MEII Water Quality Improvement Project (Riparian Buffer Planting and Basin Retrofit at Greenfield Park). The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve Application for Payment #2 in the amount of \$3,015.80, as submitted by Ebersole Excavating, Inc. for the Bradford Avenue Mitigation Assistance Property Demolition. Commissioner Davies observed the completion date was to be in August and asked the status of this project. Mr. Fabian explained there was a bit of a delay due to the abandonment of the sewer lateral. However, all work has now been completed. This is the final payment and the project is indeed complete. The motion was unanimously approved.

#### PUBLIC HEARING FOR COMCAST FRANCHISE RENEWAL:

The Board discussed scheduling of a Public Hearing for the Comcast franchise renewal. Commissioner Davies asked if this item requires action tonight. Solicitor Henninger stated it does not. He explained the Township has a rolling ten-year franchise agreement with expires on October 20. Under the terms of the agreement, the current agreement would continue until a new agreement is in place. Solicitor Henninger added that as part of this process, a public hearing is to be held to basically review the operations and give the residents an opportunity to voice any concerns they may have with the services over the past ten years. He recommended the Board table this tonight, and have a representative from the Cohen Law Group appear at the next meeting to answer questions. Solicitor Henninger added that also missing from the agreement is the list of facilities that are provided with free cable such as the Township Building, the Fire Department, etc. He noted he also has questions about the build-out pursuant to the last agreement and where this stands in Lower Swatara Township. Solicitor Henninger stated that he simply does not feel this



document is ready to schedule a public hearing on or take action. Commissioner Davies agreed that he has several questions about the document too. Solicitor Henninger suggested questions and concerns could be submitted to them in advance. The bottom line is that the Township is entitled to a franchise fee of 5% of gross revenues on all related items. There have been significant changes in the cable business over the last ten years. Solicitor Henninger noted his biggest concern was the lack of a public hearing, which has always been done.

The Board agreed to table action on authorization to set a Public Hearing date on a proposed ordinance authorizing the execution of a Cable Franchise Agreement between the Township of Lower Swatara and Comcast of Southeast Pennsylvania, LLC. Solicitor Henninger noted he will contact Cohen Law Group to request a representative attend the next meeting.

#### DEPARTMENT REPORTS:

##### Police Department: presentation of sample uniforms

Chief Visconti presented samples of uniform items he would like to purchase for the Police Department: outer winter jackets, winter pullover sweaters, lightweight sweaters, uniform shirts (long sleeve polo shirts), summer polo shirts, and uniform pants. Vice President Truntz asked how many shirts would be ordered for each officer. Chief Visconti stated that five of the uniform shirts would be provided to each officer, as well as five pair of uniform pants.

Chief Visconti provided a summary of the best quote to-date, which also includes the best quote on patches and application of the patches to the garments. Prices reflected for the Truspec winter outer shirt and the Flying Cross mid weight outer shirt are retail prices, since none of the vendors quoted these items as of yet.

Vice President Truntz asked if these items are readily replaceable. Chief Visconti explained that most of these items are from the 5.11 Tactical product line, and replacement should not be an issue. In response to a question from Commissioner DeHart, Chief Visconti explained that the deadline he provided to the vendors to submit quotes was September 8. President Wilt asked why the pricing for the mid weight shirt is almost double the cost of the winter outer shirt. Chief Visconti stated he cannot answer this question, since these are retail prices from different manufacturers. He agreed that he will research other vendors that carry these two items and, if necessary, look into an alternative product. Commissioner Paul asked if the five sets of uniforms for the officers are with the exception of the two detectives. Chief Visconti explained that the

detectives will get the heavy weight jacket, the heavy weight sweater, the lightweight sweater, two pair of pants, two long sleeve polo shirts, and four short sleeve polo shirts (two with patches and two without).

Vice President Truntz asked if the Board would like to move ahead with this, accepting the lowest quote or a not to exceed price. President Wilt stated the Board should probably wait until the quote deadline. Chief Visconti agreed to provide the Board with a similar written summary when all quotes are received and the best pricing is determined. Vice President Truntz remarked that it appears the commissioners are in agreement with the suggested uniform purchases, but want to make sure the best pricing is obtained. Ms. McBride asked if this should wait until after arbitration. President Wilt stated he does not feel this comes into play. Commissioner Paul asked if these are all contractual items as part of the uniform. Chief Visconti concurred that they are. In response to a question from Solicitor Henninger, Chief Visconti confirmed that these quotes are from Costars' providers.

#### Planning & Zoning/Codes Department

In the absence of Ms. Hursh, Mr. Lanman presented the Planning & Zoning and Codes Departments updates.

Bruce Henry, the newly hired Construction Code Official, has been entering property maintenance codes into the Caselle program. This is about 50% complete.

Plan reviews include the UPS building permit issued for foundation and review of numerous buildings as well as the pending issuance for the D&H new warehouse. Construction continues at Campus Heights III. Daily inspections are being completed at Hershey Creamery, Campus Heights, UPS (footers) and D&H (footers).

The Zoning Hearing Board met on August 26 and approved the variance request of Campus Heights I and Campus Heights III to exceed the maximum sign size of 10' to 20' for two monument signs. There were two proposals received for a new Zoning Hearing Board Solicitor, as John Davidson is retiring. Proposals are from Tucker Hull, LLC and Caldwell & Kearns. Tucker Hull is the preference, but the Zoning Hearing Board is waiting to see if there is a substitute should Solicitor Hull not be able to attend a meeting.

There has been an increase in zoning permits due to an increase in sheds, fences, and swimming pools. Paving of the wearing course for Morgan's Run is to be completed this month by Pennsy. There were many Letter of Credit reductions in the past two months, as projects are



reaching completion. Work continues to get the Wilsbach Distribution Facility plan recorded. The Star Barn Duplex site has been hauling in fill from a Hershey location. This work was approved by the County Conservation District. The plan has not been recorded, so no other work will be completed other than the fill being placed.

Brian Davies, the MS4 Coordinator, has been working on the MS4 Standard Operating Procedures, Best Management Practice (BMP) tracking system, ArcGIS Mapping, outfall/BMP inspections, and the Annual MS4 Report that is due by the end of this month.

Commissioner Davies asked if there is a standard process for obtaining professional services for the Zoning Hearing Board in regard to selecting a new Solicitor. Ms. McBride explained that recommendations came in from the Zoning Hearing Board, as well as from the retiring solicitor. She added that she believes Ms. Hursh posted it as well. Only two responses were received. Commissioner Davies asked if this process is now closed. Solicitor Henninger explained that the municipal code permits the Zoning Hearing Board to choose its own solicitor, and this Board must pay the fees. The concern was what would happen if the preferred new solicitor, Tucker Hull, could not attend a scheduled zoning hearing since he is the sole attorney in the practice. Ms. McBride stated that she was at that meeting, and the Zoning Hearing Board did pick the less expensive responder. She added that the outgoing solicitor, at the end of this meeting, commented that this Lower Swatara Township Zoning Hearing Board was one of the most efficient, well-run boards he has ever worked with. Solicitor Henninger agreed that the Township is fortunate to have such top-notch members serving on its Zoning Hearing Board.

#### Public Works Department

Mr. Lanman reported that the microsurface treatment is planned to be applied in 1 – 3 weeks. Commissioner Paul asked if a more firm date can be provided as to when they will be back, as the commissioners are getting a lot of calls. Mr. Lanman agreed to make contact to see if he can obtain a more solid date range. Commissioner Davies also asked that during this contact, the contractor be asked if they plan to notify residents on these streets about this work. Mr. Lanman stated he was told they were notified after the first day, but agreed they are required to notify them again. He noted that he will discuss this with the contractor. Vice President Truntz suggested this could also be posted on the website. Mr. Fabian explained the contractor is required to give the Township three days' notice and then post door hangers two days before. The Township did post

information on both its website and Face Book page during the latest round of work. Vice President Truntz asked if the loose stones in the intersections get swept back onto the road being treated. Mr. Lanman explained they do not; the public works crew actually cleans them up.

A preconstruction meeting for the Spring Garden Drive Pipe Replacement project was held on August 26 with representatives from UGI, HRG, H&K (the bid winner) and the Township in attendance. A large coordination effort will be required between H&K and UGI to relocate the UGI gas line below the new culvert structures. Commissioner Paul asked Solicitor Henninger if all the necessary easements have been acquired. Solicitor Henninger reported that he is confident that he will be receiving the ones from First Industrial and the estate of Ms. Cigic. However, his calls to Mr. Bragunier have not been returned. Vice President Truntz agreed to make contact with Mr. Bragunier and asked that he contact Solicitor Henninger as soon as possible.

James Craft & Sons discovered an issue with the roof top unit that serves the boardroom. The existing roof top unit is the source of the water intrusion that can be noticed outside the boardroom. Mr. Lanman stated that he sees this as an emergency as far as repair. Basically, the drain pan that sits underneath that unit that is supposed to collect the condensation and run it out on top of the roof has rusted through. A rough quote, which includes crane work and replacing the whole unit, is about \$15,000. If this cannot be declared an emergency, other quotes will need to be obtained. Mr. Lanman added that this work will not include modifications to the system that services the office areas. Commissioner DeHart asked if it would be possible to just replace the drip pan. Mr. Lanman explained the unit is 18 years old, is well past its service life and has had multiple Freon leaks. Commissioner DeHart asked if this repair cost would come out of the capital improvement fund. Mr. Lanman explained there is money in the budget for the air conditioning system repairs in the building maintenance line items. Ms. McBride stated it could come out of either fund. Commissioner Paul remarked that since it is a budgeted item, he would like to stick to the budget if the resources are available. Solicitor Henninger asked Mr. Lanman if he considers this leak to be a potential public safety issue. Mr. Lanman stated he does feel it is a mold issue. Solicitor Henninger stated that in this case, he has no problem with deeming this an emergency. This Board may proceed with authorizing the repair tonight. A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the emergency work quoted by James Craft in its quote of August 28 in the amount of \$15,000 for a 7 ½ ton rooftop unit, including costs of a crane and installing and hauling away the old unit. The motion was unanimously approved.



A depression in the road near 1836 Blacklatch Lane was excavated. A small tunnel was discovered running alongside a sanitary sewer line. The tunnel was excavated and nothing was found. The initial thought was that this may be caused by ground water following the sanitary pipe trench. The area was backfilled and pavement was patched. This work will be monitored and staff will work with HRG to make a repair if this issue persists. Commissioner Paul confirmed this area has always been a problem.

Work has started on a budgeted LED lighting upgrade in the Public Works garage/office areas. LED lights are efficient and dimmable and will also be installed in the administrative offices.

Baseball field maintenance and grooming started again to match the schedule of the Athletic Association. There is also some coordination with the Athletic Association regarding lights that need fixed at Memorial Field.

Covid supplies are in good shape, with a large order of disinfectants, cleaners, masks, gloves, etc. recently made. Stock is being built up for future needs.

Commissioner DeHart asked Mr. Lanman what the plan and schedule is for North Union Street, as he saw a one-call on the west side of North Union. He asked if they are doing the road or just moving poles. Mr. Lanman explained the only one-call he is aware of is PPL moving those poles. He and Caleb Krauter from HRG are meeting with PPL's contractor tomorrow to discuss this, since some of those pole locations are right on the force main. He noted he does not have any time frame from UPS on the other roadwork. Mr. Fabian added that he understands these road improvements did go out to bid, so there may be more information on the schedule by the end of this month.

#### MANAGER'S REPORT:

##### Covid-19

Ms. McBride reported on the updated Covid numbers for Dauphin County. On August 2, there were 2,657 cases in Dauphin County; today there are 3,372. This is an increase of 27%. On August 2, there had been 155 reported deaths in Dauphin County; as of today, there are 165, which is an increase of less than 7%.

The Turnpike is planning to replace the bridge carrying Route 441 over the turnpike. Bidding will begin this fall. More information will be forthcoming.

In the Board packets is information about an HR consultant to write up job descriptions. Ms. McBride noted she feels these are truly needed. She added she has received one bid which she likes a lot and will discuss this in more detail at the legislative meeting.

Ms. McBride reported that she had a visit today from Bill Meiser of the Middletown Area School District. Many parents are picking their kids up, especially at Reid Elementary, and this is creating a backlog. They are going through Greenfield Drive, and to exit from Greenfield Drive onto Route 441 is a bit dangerous. Mr. Meiser asked if signs can be placed saying something like “hidden drive” for both directions to cause people to slow down. Ms. McBride requested that Mr. Lanman and Chief Visconti assist her with looking into this possibility. Vice President Truntz and Commissioner DeHart remarked this may be difficult to make happen, since it would require PennDot permission.

Ms. McBride requested an executive session immediately upon conclusion of this evening’s meeting in order to address personnel issues and a legal issue.

#### ENGINEER’S REPORT:

Shawn Fabian, HRG, referenced his written report and provided updates.

An update was provided on the Greenfield Park Basin Retrofit and Riparian Buffer – Mariner East II (MEII) project. Final costs were received from the contractor for the out of scope work, and HRG is performing a thorough review of the change order to recommend a contract amendment at the September legislative meeting.

Doli, the contractor for the Rosedale Manor stormwater project, is coordinating with PPL for the utility relocations necessary for the project. They still anticipate to mobilize to the site this month.

There has been no word from DCNR regarding its review of the Township Comprehensive Recreation, Park and Open Space (PROS) Plan. Mr. Fabian stated that he will touch base with them to see if the review can be completed in time for the Board to act on the plan at its September 16 legislative agenda.

HRG continues to offer assistance to the newly hired MS4 Coordinator, Brian Davis. Mr. Fabian reported that he and Mr. Davis recently did a site visit to the Middletown Area School District to take a look at the two stream restorations projects there. The Township is at the point now where planning for Stormwater Project 2 for PennVest funding needs to begin. This would



incorporate a number of stormsewer replacements and other items for 2023. More information will be forthcoming as concept plans and budgeting is discussed. Mr. Fabian added that Mr. Davis is also finalizing the annual MS4 report for submission with assistance from HRG and is working with HRG's GIS Department to try to automate some of this process for future years.

Commissioner Paul referenced the Mariner East II grant for \$180,000 for the work at Greenfield Park. He asked if there will be any funds left from that grant and if so, whether then can be used for something other than this project. Mr. Fabian noted this grant was for work associated with the basin retrofit and riparian buffer. He added that he is not sure there will be much money left over, but does not anticipate that the Township would be able to direct any funds from this project to another project. He recommended that if there is anything substantial leftover, the Township should try to invest it in something like additional plantings on the site.

Commissioner Paul also asked if the Township is on track to realistically implement the MS4 fee come September 1, with billing reflected in the month of October. Ms. McBride responded that the Township is on track for this to happen.

Commissioner Davies asked if the Township is generating the MS4 Annual report in-house, or if HRG is doing it. Mr. Fabian explained that HRG did a lot in regards to the outfall inspections, and will have a component report to give Mr. Davis. However, the bulk of the production will be done by Mr. Davis.

Vice President Truntz stated that he had received some reports of the standing water in the raingarden at Shope Gardens Park attracting mosquitoes. Mr. Lanman explained that in the past, the Township had put mosquito bits out there, which seemed to take care of this pretty quickly. These will be redistributed. Commissioner DeHart asked what can be done about this standing water. Ms. McBride stated she will be asking Mr. Fabian for options on what can be done at the least cost possible to make what should be a rain garden an actual rain garden. Mr. Fabian remarked that modifications have been made to the basin as best possible, and water is still there. As plants continue to grow in there, it does seem to be improving. In response to a question from Commissioner DeHart, Mr. Fabian confirmed that he was actually out with the contractor when the re-grading was done. There seems to be an underlying issue with the soil there and its ability to hold water. Commissioner Paul asked why the bottom of that pond cannot be adjusted upward -- why can't the appropriate type material be put on the bottom, bring it up to where the water flows to a point where it's supposed to, and trap maybe a half an inch of water in there instead of eight

inches? Mr. Fabian explained the problem with this is that the purpose of a raingarden is to capture and remove suspended solids. When there is no retained volume in there, you can no longer claim the reduction in those total suspended solids. Then the entire purpose of the BMP as a PRP to reduce sediment becomes ineffective, and the Township would lose the ability to credit this towards its PRP requirements. Commissioner Paul remarked that if there are soils that are not draining, there does not seem to be anything gained anyway. Mr. Fabian explained that 75% of this basin is draining out and drying up and is somewhat effective. He added that after the modifications, it is probably functioning as well as it is going to at its current location and depth.

Commissioner DeHart observed a lot of dirt continually being moved from the UPS site to the chicken farm. He asked if MS4 controls are in place for this. Mr. Fabian stated that he is only aware of the communication from Ms. Hursh regarding moving dirt for the Star Barn project. Commissioner Paul suggested this would be something for the staff to check into. Vice President Truntz added that he was told there are also piles of dirt at the park near Market Street Extended, preventing the use of the playground. Mr. Fabian stated this is probably from the work on the Malpass property, but he was not aware the dirt was blocking any access to the playground or basketball court. Ms. McBride agreed to look into this.

#### SOLICITOR'S REPORT:

Solicitor Henninger reported that the Township did meet with the Middletown Area School District and with SARAA regarding the upcoming stormwater fees and what can be done for them to get credits against the fee. The discussion with the School District went well, but the discussion with SARAA did not. Solicitor Henninger reported that he did have a good conversation yesterday with SARAA's council. A similar meeting with Penn State is scheduled for September 9. He noted he does have concerns that he would like to discuss in executive session.

#### GOOD AND WELFARE:

Vice President Truntz referenced emails between Board and staff regarding trick-or-treat this year. He recalled that last year, the Board decided to take under advisement the date suggested by the Dauphin County Chiefs of Police but ultimately make the call itself. Commissioner Davies stated he would also like to hear the results of the survey being done by the Council of Governments, which is polling municipalities on this issue.



Commissioner DeHart thanked everyone who came out, and expressed hopes that someday everyone will be back in the room rather than on Zoom.

Commissioner Davies thanked Chief Visconti for showing the Board the new uniforms, and noted he looks forward to future discussion about setting the date for trick-or-treat.

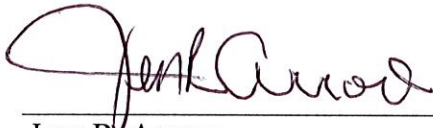
Commissioner Paul thanked resident Mr. Messick for coming to the meeting.

Vice President Truntz and President Wilt also thanked everyone for coming out tonight.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:32 P.M.

ATTEST:

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

Jean R. Arroyo  
Township Secretary

**PLEASE PRINT NAME CLEARLY**  
**SEPTEMBER 2, 2020 WORKSHOP MEETING -- 7:00 P.M.**

[illegible]