

MINUTES

LEGISLATIVE MEETING – SEPTEMBER 20, 2023

The September 20, 2023 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt.

Roll call was taken, with the following officials in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Zachary Border, Manager
- Jean R. Arroyo, Secretary
- Michael McAuliffe Miller, Solicitor
- Shawn Fabian, HRG
- Dominic Visconti, Chief of Police
- Don Fure, Director of Codes and Planning

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

ADDENDUM TO AGENDA: EMERGENCY REPAIR

Solicitor Miller stated that prior to public comment, he would ask that the Board consider amending the agenda by adding an item under 14P (Any Other New Business) for consideration of a bid from York Excavating for an emergency repair to Rosedale Avenue in the amount of \$96,596.67. A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to amend the agenda by adding the following under 14P: “Approve/reject/table a bid from York Excavating Company, LLC for an emergency repair to Rosedale Avenue in the amount of \$92,596.67”. The motion to amend the agenda was unanimously approved.

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

PUBLIC COMMENT:

Laurie Castagna, 1901 Scarlett Lane, reiterated her safety concerns about opening the cul-de-sac in Twelve Oaks. There are no sidewalks, no streetlights, and there are children

walking to the bus stop in the dark at 6:30 A.M. The Board needs to consider the safety of the residents in Twelve Oaks who purchased their houses believing it was a closed development.

Beth Kluz, 1859 O'Hara Lane, agreed with Ms. Castagna's concerns. She added that she has heard Aberdeen really doesn't care if the cul-de-sac is opened. She asked why Aberdeen doesn't just have its own cul-de-sac like Twelve Oaks or have two entrances out on Route 441. Ms. Kluz also referenced The Pond development and stated that building townhouses with a pond behind them with bugs and mosquitoes seems stupid.

Gretchen Beaudoin, 1870 O'Hara Lane, stated she and her husband purchased here due to the safe and supportive neighborhood. This is a neighborhood full of small children, and opening the cul-de-sac will put the children's safety at risk. It will limit their ability to walk down the street to visit friends due to construction vehicles and a significant amount of additional traffic. Ms. Beaudoin presented several studies and publications that confirm that outdoor play benefits children physically, mentally, and socially, especially in this day of electronic devices. Researchers have also concluded that a child's immediate neighborhood area has significant effects on their life outcome. Ms. Beaudoin asked that the Board not be a part of the problem that makes young parents feel like their kids are not safe to play outdoors. This is a very tight-knit neighborhood which will be impacted by these decisions long after the builders walk away. She also referenced The Pond, which borders her property. Because of the overgrown property, she and her husband have had issues with ticks, yellow jackets, and must constantly push back the growth. She added that she had emailed the Township several times in the past year about this but received no response. Ms. Beaudoin asked the Board to listen closely to this: a company that treats its property with such negligence, disdain and disrespect will treat the building and selling process and surrounding community with this same mentality. She added that the previous statements she made about the health, well-being and safety of the children also pertain to decisions being made about The Pond. Vice President Truntz asked Ms. Beaudoin who she had emailed her complaints to, as the Board was not made aware of this. Ms. Beaudoin agreed to look into this.

Proposed Truck Restrictions on Highspire Road

Danielle Derolf, Dawood Engineering and Engineer for Swatara Township, explained that she is here to discuss proposed truck restrictions on Highspire Road. Swatara Township recently reviewed a development plan near the intersection of Highspire Road and Highland

Boulevard and Eisenhower Boulevard. As part of the review, there is a desire for truck turning restrictions at the intersection of Eisenhower Boulevard and Highspire Road. This is due to concerns with truck overturns at the intersection with Fulling Mill Road, as well as concerns regarding increased tractor trailer traffic in the residential area of Highspire Road. Mr. Derolf added that with her this evening is Mitchell Brudy of Pennoni. The proposed signs for this truck restriction would be located in Lower Swatara Township, which is why they are here tonight.

Mr. Brudy explained that he represents Triple Crown Development, the engineer for this project. What is being asked tonight is that Lower Swatara Township release its Solicitor to start working with Triple Crown's attorney to draft an ordinance for the truck restriction. He explained they plan to restrict trucks from Fulling Mill, which is a state road, onto Highspire Road. There would be a turning restriction posted for WB-62+ for no left-turns from Fulling Mill Road onto Highspire Road. Commissioner Paul asked if that property abuts Eisenhower Boulevard. Mr. Brudy confirmed that it does. Commissioner Paul questioned why they are not having access off Eisenhower Boulevard. Mr. Brudy explained that Triple Crown had initially gone through a full HOP permitting process for that but found Buckeye Pipeline was an issue. Relocating the pipeline would be an astronomical cost and not feasible. Commissioner Paul stated, for the record, that Fulling Mill Road is a state road. He asked if Highspire Road is a township road. Mr. Brudy confirmed that is correct.

President Wilt suggested this be discussed further before the Board makes any recommendations. Mr. Border stated that he had not intended this to be an action item, just a first presentation to the Board. Mr. Brudy explained they would like to start the process so submission can be made to PennDOT. Solicitor Miller stated that the Board does not plan to act on this tonight. President Wilt agreed and added that this is a Swatara Township issue. The Board will need confirmation that Swatara Township will bear any associated costs. Commissioner Davies asked if they plan to sign Highspire Road at the campground road intersection. Mr. Brudy responded that they do not. Ms. Derolf explained that the site itself will be signed so anyone exiting the site must turn left on Highspire Road and exit to Highland Street. There should be no trucks turning right out of the site towards Lower Swatara Township. Mr. Brudy stated that he and Ms. Derolf do not agree on this, but if the issue comes up that restricting trucks to Highspire is more of an issue to Swatara, going down Highspire may be a better option than entering into Swatara Township. He thanked the Board for its time tonight.

Sarah Martinez, 1823 Bonnie Blue Lane, stated she would first like to read statements from two of her neighbors. Erin and Dustin Green, 1819 Bonnie Blue Lane, express concern with opening of the cul-de-sac and increased traffic, as they have three young children and are also part of a walking group. The safety of their children is a top priority, as the kids enjoy playing around the cul-de-sac. They express concern about their privacy and security in their neighborhood and feel that the cul-de-sac was not designed to handle a significant volume of traffic. The existing road and parking spaces were built to accommodate the current number of households in the community. Opening the cul-de-sac would lead to congestion and insufficient parking for residents and their guests and potential damage to the road infrastructure. The Greens ask that the Board reconsider its decision to open the cul-de-sac.

Ms. Martinez then presented a statement from Ryan Cocoran, 1830 O'Hara Lane, who states that connecting the neighborhoods will increase the risk of inebriated drivers using their development to cut through local roads and circumvent local municipal speed traps and checkpoints. If the neighborhoods need to be connected for fire response, he suggests a keyed gate or a limited fire access lane.

Ms. Martinez then explained that she and her husband are also opposed to this idea of opening the cul-de-sac. She stated that she does understand that the cul-de-sac was built with the option to open it, but that was over 35 years ago, and things are significantly different now. As mentioned earlier, there are no sidewalks, streetlights, or speed limit signs. Comparatively, Old Reliance has these things. Opening the cul-de-sac would result in the same level of traffic that Old Reliance has, but without the same safety accommodations, putting her children at risk.

Jeanne Fox, 1855 O'Hara Lane, agreed with the previous comments from her neighbors, and added it might be a good idea to get sidewalks and streetlights in Twelve Oaks. President Wilt stated the question is whether residents would be willing to pay for them, as it would be the homeowners' responsibility. He explained that when the plan was approved, there probably should have been a deferral of sidewalk rather than a waiver. Ms. Fox stated she is speechless to learn this.

James Horton, 1660 Lakeside Drive, referenced item C under Unfinished Business which proposes to eliminate parking along the inside curve of Lakeside Drive. He explained that he was here in August to oppose this, and recently sent an email reiterating his feelings. He asked that the Board consider his counterproposal which is to instead eliminate parking on the outside

curve. This will achieve the same objective by clearing space and reducing the bottleneck on the top, and at the same time prevent the elimination of too much parking in the area. Mr. Horton added that the last time he checked, he recalled 7 cars parked on the inside and 2 parked on the outside curve.

Dale Messick, 101 Greenfield Drive, stated he has a different take on the Aberdeen project. It was always planned that Twelve Oaks, when future development occurred, would be joined down to Oberlin Road. The Township has always felt that when developments occur, two accesses to a development should be required when the land so allows it. Not joining these two developments puts the residents at greater risk. Mr. Messick added that in his neighborhood, they are talking about building another school. There was never any talk when his street went in that there was going to be soccer fields and three schools tied into that street. Consequently, it would seem to set a precedent if the Board decides not to join these developments together. When future developments occur, other residents will come in and expect the same treatment.

Jody and Bruce Koenecke, Scarlett Lane, stated they do not want the cul-de-sac opened due to safety reasons.

Linda Lupp, 805 Bulter Drive, agreed with her neighbors that she is not in favor of opening the cul-de-sac; most of the residents here had no idea there was a desire to join two neighborhoods. She thanked those Commissioners who acknowledged the email she sent regarding her concerns. She also acknowledged those who are in favor of opening the cul-de-sac, citing safety concerns, and states she does appreciate their concerns. Ms. Lupp remarked that she does question two very similar newer neighborhoods that only have one way in and one way out. She asked that regulations be applied equally. Ms. Lupp added that on another subject, she is aware that there is a proposed park being developed and suggested a dog park would be appreciated by many in the community.

Jen Sweeney, 1807 O'Hara Lane, agreed with the previous concerns expressed. She stated her home is right off the cul-de-sac, and safety is paramount. She added that while she still doesn't understand the rationale for opening it, a locked gate, which is very common, would be an option. She suggested a common ground be found. Ms. Sweeney also observed a request on the agenda for approval for the Middletown High School to use a bay in the Township garage to build a homecoming float. She expressed hopes that the Board will approve this request. President Wilt stated this is an annual request that has been granted many years by the Board.

Jennifer Doran, 1825 Scarlett Lane, echoed the concerns of her neighbors. She stated she has two young sons who ride their bikes through the neighborhood, and this would not be safe if the cul-de-sac were open. Ms. Doran agreed that the idea of a gate to address emergency concerns would be better suited rather than creating everyday safety concerns by opening the cul-de-sac.

Ms. Kluz remarked that she heard some time ago that the developer of Aberdeen does not even want to open the cul-de-sac and would prefer to have their own cul-de-sac. President Wilt stated he never heard this. Vice President Truntz stated he heard it through some neighbors, but not through the source.

Tad Hippensteel, 1802 Butler Drive, stated he is 100% opposed to any opening of the cul-de-sac and would request that the developer do all exit and entrance to that development off of Oberlin Road.

Deb Cotton, 1807 Bonnie Blue Lane, stated she is directly impacted by opening that cul-de-sac. As she stated at the last meeting, elected officials are supposed to protect their constituents and prevent and mitigate dangers that present themselves. Constituents do not expect them to present the danger. Ms. Cotton added the developer did meet with her and her husband, and they asked the developer if they were the ones that wanted the cul-de-sac opened. Their response was they did not care one way or the other. Ms. Cotton stated she also recently heard that there was discussion about making the cul-de-sac at the far end and having the open cul-de-sac be the entrance of Aberdeen, connecting those two. She stated this makes no sense and will create traffic one direction in and out every day. Ms. Cotton stated the residents expect the Board to listen to their constituents in this regard and not capitulate to the developer. She stated she is aware that the developer does not want to put in the turning lane, and the Board is trying to find a workaround. The residents do not appreciate the open cul-de-sac being that workaround.

Leah Hottenstein, 1798 Bonnie Blue Lane, stated her home is directly in the cul-de-sac. She asked when something temporary becomes permanent. This neighborhood is a solid, closely-knit, permanent community. Opening the cul-de-sac raises many problems, including increased traffic as it will be a cut through to Nissley and onto Fulling Mill. Also, once traffic is on Nissley and tries to go out onto Route 441, they will find that pullout isn't very good either with limited sight lines in both directions. Ms. Hottenstein stated her street measures 32½' wide.

If there are cars parked on both sides of the street, that allows enough space for one car to pass in the middle safely. Add in someone walkers – where do they go? With no streetlights, this is especially a concern in early morning/evening when it is dark. Ms. Hottenstein stated her property deed was drawn up in 1993 and the cul-de-sac is indeed labeled temporary. However, thirty years ago, whoever drafted it did not know about the population growth in Lower Swatara, the plans for the farm, the higher speeds that vehicles travel, or the commissioners' approval of many traffic-increasing projects in the surrounding area. After thirty years, it seems time to make this cul-de-sac permanent. Ms. Hottenstein added that to the rear of her property, she must listen to constant traffic on Route 441. The noise she now hears the most is a truck coming barreling down south Route 441, its brake breaks not enough to stop it, and it crashing 30 – 40 mph into a family just trying to turn into their neighborhood because there was no turn lane for them to safely use. Not requiring a turning lane is not only irresponsible, but dangerous. She asked when the Commissioners will stop surrendering to the money of the builders and listen and look out for the constituents. Ms. Hottenstein stated that open spaces in Lower Swatara are slowly closing, but she can still hope for the calm and peace of her cul-de-sac by the Board voting to keep it there, and for the overall welfare of her neighbors by the Board requiring the builders to install a turn lane to the proposed entrance.

Lori Suski, 1839 O'Hara Lane, stated that she also bought her home here due to the serene neighborhood with very little traffic. She agreed with the concerns cited tonight, with safety being the number one. She asked if the decision to open the cul-de-sac is based on the convenience of the Public Works, because there have been rumblings about snow removal and street cleaning. She stated she hopes decisions affecting safety and welfare are not based on the convenience of anyone. Ms. Suski also commented that the Catherine Hershey School is slated to come in just down the street. She questioned if there is any possible way to tie an additional entrance and egress into that project and leave Twelve Oaks alone.

Jeff Frekot, 1851 O'Hara Lane, stated he agrees with the opposition to opening the cul-de-sac as expressed tonight, although he doesn't understand all the details. He remarked that Twelve Oaks is a very, very special neighborhood. There is an appeal to the neighborhood because it is closed, private, and has a family atmosphere. Traffic issues resulting from opening the cul-de-sac will diminish the lives of the residents here as well as the property. He asked that the Board take this into consideration.

Gretchen Beaudoin, 1870 O'Hara Lane, referenced her previous comment about emailing the Township and receiving no response, and stated she had used the link on the Public Works page of the website which has an option to file a complaint. Mr. Border provided her with his business card and asked that she contact him.

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Minutes of the September 6, 2023 Workshop Meeting. The motion was unanimously approved.

PAYMENT OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the Payment of Bills – Warrant No. 2023-08. The motion was unanimously approved.

TREASURER'S REPORT:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Treasurer's Report for August 2023. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Activity Report

Chief Visconti provided a summary of the monthly statistics for August. There were 9 Part I crimes, 17 Part II crimes, 461 calls for service, 0 DUI arrests, 113 traffic citations, 5 non-traffic citations, and 18 warnings. There were 23 total vehicle accidents, 4,631 patrol miles driven, and 114 foot patrol minutes. There were 453.50 total overtime hours, and 36 total training hours. Co-responder stats included 7 new contacts, 1 repeat contact, 1 follow-up contact, and 4 mental health commits.

Commissioner DeHart asked if the department's pick-up truck has been repaired yet. Chief Visconti responded that the new motor has arrived and will be installed by the Township mechanic. In response to a question from Commissioner DeHart, Chief Visconti confirmed that the new vehicle is in service with no issues.

Fire Department

Deputy Chief Taylor presented the Fire Department's monthly statistics for the month. During the month of August there were 55 total calls and 27 responders with an average of 5 personnel per response. Time in service was approximately 26 hours. Incidents included 7 fire incidents, 7 rescue and EMS incidents, 4 hazardous conditions incidents, 3 service calls, 27 good intent calls, and 7 false alarms. Mutual aid was provided to Harrisburg City (2), Highspire Borough (1), Hummelstown Borough (1), Londonderry Twp. (2), Middletown Borough (5), PA Turnpike (1), Steelton Borough (4), Susquehanna Twp. (1), and Swatara Twp. (16).

Chief Taylor reported that the Fire Department's Gaming Grant application was submitted; he thanked the Township for its support. The Fire Department's Open House will be held on Thursday, October 12 from 6 PM to 8PM.

Commissioner DeHart asked if the mutual aid to Swatara is still high due to their vehicle being out of service. Chief Taylor responded that calls to Swatara will continue to increase based on the changes to their run streams. There was no time frame provided for when Swatara's rescue will be back to service. He also noted that lack of volunteer service is a national problem.

ENGINEER'S REPORT:

Mr. Fabian reported that construction continues on the Bryn Gweled Infrastructure Replacement project. Pricing was received to evaluate a few proposed change orders due to some field conditions that were discovered. He and Mr. Washinger are reviewing these prior to formal recommendation to the Municipal Authority. One is for the replacement of a manhole on Lumber Street and another for some proposed paving changes within the footprint of the overall infrastructure installation. There was an additional offer in the expanded area to be paved to replace full pavement base down to the stone. The pricing was very attractive. If the Township wants to move forward with this, it will put the entire project right at budget with the contingency. Coordination continues with Veolia as they test their line and do their restoration on Lumber Street.

Structure delivery has been confirmed for the Hanover St./Meade Ave. Stormsewer Outfall Repairs, and the contractor is planning to mobilize to the site the week of September 25.

The NPDES permit submission for the Richard L. Shireman Park Design and Permitting is now with DCCD for their review. A budget meeting was held today with Mr. Border and

Ms. McClain to review through Phase 1 build out of the project and funding. This information will be presented at the October workshop meeting. Mr. Border reminded the Board that ARPA money is being used for this, and it must be spent by the end of 2024. Vice President Truntz asked if the draft plan can be reviewed at the October workshop meeting. Mr. Border agreed that Mr. Fabian will have information to the Board prior to the meeting. Commissioner DeHart asked if there will be one or two fields. Mr. Fabian explained that it was felt it makes sense to do the full number of walking trails at this point, so it might make sense to build as much as possible and leave sections for mini grants. Commissioner DeHart suggested that contact be made with John Ponnett to see what the numbers are as far as kids playing ball, as he does not want to spend money needlessly. Mr. Border explained that the figures he and Mr. Fabian looked at today were based on two fields which were pared down from the original plan. Commissioner DeHart added that reducing a field would also save a couple hundred thousand dollars. Commissioner Paul asked if he could get a cost estimate on the plans. Mr. Fabian agreed to provide this.

An update was provided on the 2023 Drainage Improvements Project (Nissley & Spring Garden, Woodridge Basin Tie-In Off of Spring Garden). The preliminary design drawings are in quality control review with the engineer, prior to design finalization and review with Township staff to advance this into bid preparation.

Commissioner Davies asked if it is necessary for the Board to act tonight on the additional paving improvements for the Bryn Gweled development. Mr. Fabian explained that it is a contract through the Municipal Authority, although the Board's input is being sought. This seems to be a very good deal for full pavement restoration throughout an area and would be on budget. Commissioner Paul asked if the cost is known at this time. Mr. Fabian stated that he does have a full breakdown from Shilo, the contractor. Commissioner Paul asked if this could also be shared with the Board. Mr. Fabian agreed to provide this information.

MANAGER'S REPORT:

Mr. Border reported that he and Chief Visconti had been approached about a Ragnar race that wants to run through the Township in mid-October. It will not close any roads. Chief Visconti added that the intersection of concern is Longview and Oberlin, and they are looking for a police car to sit there with its lights on to monitor traffic. He added that he will make sure the organizers realize they are responsible for any overtime costs involved.

The Township has been using the new procurement cards; there is an \$8,000 total limit on all the cards. Mr. Border stated he is looking for a bit of an increase in this amount, since the Police Department probably uses more than \$2,000/month. The previous card had a \$20,000 limit. Mr. Border stated his goal is to have these used more than paper checks. Commissioner DeHart stated this is only the first month, and suggested waiting six months to see if there are any issues.

Future Meetings/Events:

September 25 7 PM Municipal Authority Meeting
September 27 CANCELLED: Zoning Hearing Board Meeting
September 28 CANCELLED: Planning Commission Meeting
October 4 7 PM Board of Commissioners' Workshop Meeting

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – no report

Budget and Finance Committee: Commissioner Davies reported that budget season has begun.

Public Works Committee: Vice President Truntz reported that the crew is patching on Stoner Drive and other areas, mowing, and line painting.

Community Development: Commissioner DeHart – no report

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS:

Resolution No. 2023-R-9 & Ordinance No. 608 re: parks and recreation

Mr. Border recommended tabling the next two agenda items pertinent to Township parks, as these are still being reviewed and finalized. A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to table Resolution No. 2023-R-9 adopting rules and regulations governing conduct in Township parks and setting rental fees and to also table Ordinance No. 608 amending Chapter 16 (Parks and Recreation), Part 1 (Conduct in Parks and Playgrounds), Section 16-102 (Rules and Regulations) to repeal the codified rules and regulations and provide for the promulgation of rules and regulations by the Board of Commissioners. The motion was unanimously approved.

Ordinance No. 609 Prohibiting Parking along the interior curve of Lakeside Dr.

The Board discussed a proposed ordinance that would restrict parking along the interior curve of Lakeside Drive. Commissioner DeHart asked for feedback from the staff. Mr. Border stated that after this was tabled at the last meeting, staff did look at the area and observed how tight space is, with parking on both sides. Chief Visconti added that he had done a site assessment after the Board had received a complaint about this. He recommended the Board approve the ordinance due to the parking conditions on that road. Vice President Truntz asked why the restriction couldn't be on the other side, as Mr. Horton suggested. Chief Visconti explained that when drivers go around a curve, they tend to favor the inside versus the outside. While parking could be restricted on the other side, he stated his opinion is what is being presented is the best option. Vice President Truntz commented that the resident who initially came to the Board about this issue was concerned about speeding in this area. He questioned how opening it up wider will reduce speeding – it would seem people would drive even faster, and this restriction would just create parking issues for the neighborhood. Commissioner DeHart recalled that this resident was also concerned about the visibility coming down the hill because of the vehicles parked there. Vice President Truntz stated his opinion that this is a traffic control issue and a speed monitoring issue and apparently speed bumps/tables are not an option.

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve Ordinance No. 609 amending Part 4 (General Parking Regulations) of Chapter 15 (Motor Vehicles and Traffic), Section 15-402 (Parking Prohibited at All Times) of the Lower Swatara Township Code of Ordinances to prohibit parking along the interior curve of Lakeside Drive. A roll call vote was taken with the following ballot tabulation: Commissioner DeHart – aye, Commissioner Paul – aye, Commissioner Davies – aye, Vice President Truntz – nay, President Wilt – nay. Ordinance No. 609 was approved by a 3 – 2 margin, with Vice President Truntz and President Wilt dissenting.

PC#2022-02 Oberlin Rd. – Aberdeen

The Board discussed PC#2022-02 Oberlin Rd. – Aberdeen and the three waiver requests associated with the plan. Vice President Truntz stated he certainly does not want to reject the Aberdeen plan in its entirety or rehash all the discussions. He agreed with Ms. Cotton that the Board does need to listen to its constituents. He suggested the plan be given back to the developer to redesign it to have a cul-de-sac that abuts up against Bonnie Blue, or something similar so that the cul-de-sac is not opened. Vice President Truntz asked Solicitor Miller the appropriate motion to

do this. Solicitor Miller suggested the appropriate motion would be to table D.1 and D.2. He asked Mr. Fure if there is an unlimited time extension on this plan. Mr. Fure confirmed there is and added that the developer is not here tonight because they were waiting for further direction from the Township. He recommended it be tabled as is. Solicitor Miller asked Mr. Fure if agenda item D.1 has any relevance to the issues with the cul-de-sac. Mr. Fure stated it does not. Solicitor Miller stated that he does not see any point in addressing the waiver requests if the plan is going to be redrawn.

Commissioner DeHart commented that the current plan of Twelve Oaks has it extending out; he asked Solicitor Miller if the Board is defying its own ordinance by not going through with the approval. Solicitor Miller stated it would not necessarily be defying it, but the Board would need to have some serious discussions with the developer and look at both the ordinance and plans. He agreed that the plan for development of Twelve Oaks has always envisioned having the cul-de-sac opened. The developer of Aberdeen can be asked if they are willing to consider a different approach that satisfies the Township's safety concerns, but the Board will need to provide them with its decision at some point.

Commissioner Paul referenced the requested waiver of curbing along Oberlin Road. There was a follow-up meeting that the Township had with PennDOT and other officials about this issue. He added that he was not present but would like to know what resulted. President Wilt recalled that PennDOT was not amiable to putting in a deceleration lane or anything of that nature. Mr. Fabian stated their main concern was coming down Oberlin Road; anyone turning left would now have three lanes of oncoming traffic with a newly dedicated right turn lane. PennDOT felt that would actually pose a greater risk. Solicitor Miller added that for the record, the commissioners did personally meet with PennDOT about a turning lane or wider shoulder, but PennDOT was not receptive.

Commissioner DeHart stated he did listen to the neighbors and the community, and now wants to provide his feelings. He stated that he was a UPS driver for 25 years in the Twelve Oaks development. Comments were made about others coming into the neighborhood if the development is opened. He stated he is aware of crime already in the neighborhood because of people coming in to do work in homes and stealing packages. As a past Fire Chief in the Township, Commissioner DeHart stated he does worry about response times. To the corner of O'Hara and Scarlett, where they meet at the cul-de-sac, from the station is 1.2 miles. From the station up Oberlin Rd. to the

field is 4,197'. This is a big difference. Many will recall the major fire on Christmas Eve at 1887 O'Hara. Minutes do matter. Commissioner DeHart referenced the colored fire hydrants in the neighborhood, which are marked yellow with NFPA colors. That means they will only flow up to 750 gallons of water per minute. On Oberlin Road, they are either green or blue. If they are blue, they can flow over 1,500 gallons of water per minute. To flow one massive stream off the fire truck to knock down a big fire requires 1,000 gallons of water per minute. Commissioner DeHart then presented a four-minute video showing how fast fire spreads. He explained that he is trying to get everyone to realize that minutes do matter in emergency situations, whether it be fire or EMS response. He agreed that the concerns about no sidewalks in Twelve Oaks are valid, as he has the same issue in his neighborhood. The Township could perhaps make parking on only one side and paint a line to make a sidewalk out on the street.

President Wilt asked Commissioner DeHart his feelings on the suggestions made about having a gate that emergency personnel could access. Chief Taylor explained the gate would not actually be for the benefit of the Lower Swatara Fire Department, but for Swatara or Highspire coming up that other way for the second hydrant. He added that cul-de-sacs are an operational nightmare for emergency vehicles. From a fire department perspective, the second rig could cut the lock on a gate; again, these rigs would not have a key since they are not Lower Swatara Township's. Chief Taylor referenced comments from a resident about a driveway surface for emergency personnel. He stated he has seen this done and it would be an option. He added that from an EMS standpoint as well, every minute does indeed count.

Vice President Truntz stated that the idea is not to block anything off but to keep things status quo as they've been for 30 years. The fire hydrant/water pressure will not be changed by virtue of this new development. Commissioner DeHart stated that hydrant pressure and volume would be increased in the area. Vice President Truntz added that a reoccurring concern expressed pertains to sidewalks. When that development was put in, sidewalks were waived. Now there is the situation where there is not a safe place for people to walk. If more traffic is brought into the neighborhood, the Township is increasing this risk. Any benefit gained by opening the cul-de-sac is lost by exposure to more traffic. Vice President Truntz added that the Williams farm will probably be a very large development. The Pond is being developed. There will probably be about 1,000 more cars in the area. He stated he is afraid that the risks will outweigh any gain.

Commissioner DeHart asked Mr. Fure if there was a traffic study done. Mr. Fure confirmed there was. The first one did not have Twelve Oaks tied into Aberdeen. When they redid the study, it did show Twelve Oaks tied into Aberdeen, but it still did not warrant any additional improvements. PennDOT still did not want the turning lane. Mr. Fure referenced previous comments from residents about new developments not having two accesses. He explained that Township ordinance does require two accesses if there are more than 24 houses in a development. In the case of Penn Preserve, there are 22 homes. In response to a question from President Wilt, Mr. Fure explained that if the Township requires Aberdeen to put in a cul-de-sac, they will lose two homes. Mr. Fure also referenced the suggestion of a gate and cautioned that if there is parking on both sides of the gate, anyone that comes down that road will no longer have a turnaround.

Commissioner Paul referenced comments about a precedent being set with other developments having only once access. He asked that everyone keep in mind that the shape of the lots and land in the two developments mentioned were created before the Township was a first-class Township and had subdivision regulations. That is why there are regulations in the ordinance about the number of units. Commissioner Paul stated he knows the question has been asked repeatedly about why the Township is doing this. Lower Swatara Township has always operated on regulations. A lot of things are pre-existing. Back in the day, sidewalk and curbing were not mandated if located a certain distance away from other areas that had those facilities. He recalled that Twelve Oaks had a total of six different phases, and it was always known that the Messick Farm would be developed at some point, so there was a temporary turn-around to address this. Commissioner Paul stated that past Boards always hated cul-de-sacs due to the maintenance and the costs associated with them. He commented that all the players – the professionals, the Police Department, the Public Works Department, the Township Planning Commission, the County Planning Commission – agree that this plan is consistent with the ordinance. He added that he does not envision that opening the cul-de-sac will result in Twelve Oaks being a major thoroughfare. It should actually benefit the Twelve Oaks residents, who will probably use it.

Ms. Lupp stated that Commissioner Paul mentioned a specific ordinance that the Board should be adhering to regarding the number of homes in a development that make it require more than one access. She asked what that ordinance is. Commissioner Paul responded that he is referring to the subdivision and land development ordinance. Vice President Truntz pointed out

that there is also a provision in there stating the Board of Commissioners can deviate from that in certain circumstances.

Commissioner Davies stated he has concerns about the intersection on Oberlin Road and the amount of traffic in and out of there and is interested in trying to keep as much traffic as possible off that interaction with Oberlin Road and Powderhorn Road. He explained that he lives in a neighborhood with more than one access point and there is still traffic. However, there are also sidewalks in his development. Any reduction of traffic to this community that can be achieved is a good thing. Commissioner Davies remarked that he could probably support speaking to the developer and seeing if they can redesign some form of limited access at the cul-de-sac in question.

Commissioner DeHart recalled that there were also a lot of residents upset when Powderhorn was opened to Strites, and this did create more traffic to that area. However, the Board at that time realized access was important for emergencies.

Vice President Truntz again stressed that he does not want to create a situation where the developer must start from scratch, but he is hearing the taxpayers/constitutes loud and clear. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to table the three waiver requests associated with PC#2022-02 Oberlin Rd. – Aberdeen relative to Section 22-404 - Preliminary Plats; Procedure, Section 22-502.7.D – Intersections 5% Approach, and Section 22-606 – Curbing along Oberlin Road and to also table the Preliminary/Final Subdivision & Land Development Plan for Aberdeen Development. The motion was approved by a 3 – 2 margin, with Commissioner Paul and Commissioner DeHart dissenting. The Twelve Oaks residents thanked the Board for listening to their concerns. Commissioner Paul again explained that the Board is worried about the residents' safety.

NEW BUSINESS:

The Pond on Fulling Mill

Brandon Conrad from VistaBlock, owner of The Pond, explained they had previously been granted conditional approval by the Board. Since the plan was not recorded in the required 90 days, another 90-day approval is being sought. Mr. Conrad explained that the NPDES permit was recently received, and they are now working on the financial package. They expect to be building within the next 90 days. Vice President Truntz referenced the concern expressed by a resident earlier tonight about brush encroaching on the property and asked that VistaBlock send a crew out

to cut it back. Mr. Conrad agreed to do so. He remarked that he did not realize the back property was an issue, since it was being farmed by the Williams family.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the Final Subdivision & Land Development Plan for PC#2021-06 The Pond on Fulling Mill, subject to the Applicant/Equitable Owner adequately addressing all outstanding administrative comments. The motion was unanimously approved.

Capital Valley Business Park

David Koratich, Warehaus, presented plans for the Capital Valley Business Park – Lot 3 and Lot 4. There are two waiver requests associated with the plan, which will consist of two industrial warehouse buildings. Five variances and one special exception were granted from the Township over the last year to accommodate this development. Commissioner DeHart stated that he was a member of the Planning Commission when a previous plan for this park was approved. It was approved with the understanding that sidewalk would be installed on the north side of Kreider Drive alongside the next two land development plans that would likely occur. He asked what has changed that they are now requesting this waiver of sidewalk. Mr. Koratich explained that what has changed is the industrial development leads into another industrial development that has no sidewalk. Commissioner DeHart added “for now”. Mr. Koratich agreed this is a fair statement, and stated they are willing to take a deferment of that sidewalk until such time that it makes sense to connect Oberlin Road to the other neighboring development. Commissioner DeHart expressed concern that Mr. Koratich has changed his position on this, and stated more people walk down there than he realizes, including him personally. The warehouses will create more traffic, and still no sidewalk. Mr. Koratich added that there is curbing out there now on Kreider Drive, and the plan itself grades in to allow for the placement of sidewalk at some point in the future. Commissioner DeHart stated now is the time to take the opportunity to put in the sidewalk, as it will be cheaper to install them. Commissioner Paul stated that while it does not pertain to the current plan before the Board, the Township always likes to see screening and plantings. He asked that the property owner be a good neighbor to the Township and look at doing additional plantings along the back parking lot.

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve a waiver request for PC#2022-06 Capital Valley Business Park – Lot 3 & Lot 4 relative to Section 22-404.A.1 – Preliminary Plan. The motion was unanimously approved.

The Board then addressed the deferral of sidewalks. Vice President Truntz asked for an estimated cost to put in the sidewalk. Mr. Koratich responding cost would be approximately \$150,000 for both lots; this is a significant cost to the project which is why they are asking for a deferral. A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve a deferral of the waiver request for PC#2022-06 Capital Valley Business Park – Lot 3 & Lot 4 relative to Section 22-607.C – Sidewalks. Commissioner Paul stated the word “deferral” is a unique word. If the Township wants the sidewalk put in next year, how is this done? Solicitor Miller explained the Township would direct the developer to install the sidewalks. A deferral is not a waiver. Mr. Koratich acknowledged this, with the understanding that there is time to get this done, whether it be four months or six months. He stated he would ask for a six-month deferral at the time of notice. Commissioner Paul commented that as heard tonight, sidewalks are becoming a bigger issue. Solicitor Miller explained to the developer that there is no condition to this deferral; the Board can request installation of the sidewalks at any time. Incurring the cost now may be in their best interest. Mr. Koratich stated he appreciates the input from the Solicitor, but explained that when an end user comes into that building, it also provides the opportunity for some shared costs. The motion to approve a deferral of the waiver request for Section 22-607.C – Sidewalks was approved by a 4 – 1 margin, with Commissioner DeHart dissenting.

A motion was then made by Vice President Truntz, seconded by Commissioner Davies, to approve the Final Subdivision & Land Development Plan for PC#2022-06 Capital Valley Business Park – Lot 3 & Lot 4. The motion was unanimously approved.

Jednota/DHK Development Security Adjustment #3 and Waiver of Maintenance Period

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Financial Security Adjustment #3 for Jednota/DHK Development (Rosedale Ave. Roadwork). HRG recommends an adjustment of \$184,041, leaving a zero balance. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve waiving the required 18-month maintenance period for dedicated improvements associated with Jednota/DHK Development (Rosedale Ave. Roadwork). The motion was unanimously approved. Commissioner DeHart asked if the driveway issue was resolved. Mr. Fabian confirmed that it was.

Penn Preserve Financial Security Adjustment #1

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve Financial Security Adjustment #1 for PC#2022-03 Penn Preserve. HRG recommends an adjustment of \$421,574, leaving a balance of \$272,144. The motion was unanimously approved.

HRG Retainer Agreement for Rosedale Ave. Bridge Repair Project

Mr. Fabian referenced a retainer agreement with HRG for the Rosedale Avenue Bridge Repair Project. This was previously discussed, and the Board had asked whether there was a construction estimate available. The estimate, including the 10% contingency, comes in at about \$115,000, on top of this scope. Vice President Truntz asked the urgency on this repair. Mr. Fabian explained there is a wash out on the eastern abutment of the arch which could compromise the structural integrity of the eastern side of that culvert crossing. Commissioner DeHart asked if this was reviewed when D&H came in. Mr. Fabian confirmed that it was reviewed, and the erosion was not present at that time. Commissioner Paul expressed concern with how this work will impact the second warehouse going in in that area.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve a Retainer Agreement with HRG, in the amount of \$33,900, for Professional Engineering Services for the Rosedale Avenue Bridge Repair Project. The motion was unanimously approved.

Resolution No. 2023-R-15 supporting AMERICA250PA

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve Resolution No. 2023-R-15 supporting the Pennsylvania Commission for the United States Semiquincentennial (AMERICA250PA). The motion was unanimously approved.

Resolution No. 2023-R-16 renewing EMS Agreement w/Penn State Milton S. Hershey MC

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve Resolution No. 2023-R-16 agreeing to the renewal of the contract with Penn State Milton S. Hershey Medical Center for 5 years ending on September 30, 2028 at the same rate. The motion was unanimously approved.

PrimePoint Time & Labor Police Schedule Module.

Mr. Border referenced a proposal from PrimePoint for a Time and Labor Police Schedule Module. This was presented at the last workshop meeting. Currently, the Police Department has its schedule on a separate time system. This module will bring everything into PrimePoint, which is now the time-off system for staff. The cost is \$500/annually and a \$600 one-time cost for

implementation. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve a Time & Labor Police Scheduler Module Proposal from PrimePoint. The motion was unanimously approved.

Monthly transfers

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the \$83,333.33 monthly transfer from the General Fund to the Capital Reserve Fund. The motion was unanimously approved.

A motion was made by Commissioner Paul, seconded by President Wilt, to approve the \$41,666.67 monthly transfer from the General Fund to the Recreation Development Fund. The motion was unanimously approved.

MMO

Solicitor Miller explained the next agenda item, the Minimum Municipal Obligation for the Police and Non-Uniform Pension Plans for 2024, is the amount the Township must pay to the pension plans after the state aid is taken into account. A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the Minimum Municipal Obligation for the Police and Non-Uniform Pension Plans for 2024. The motion was unanimously approved. Commissioner Davies asked that the next time this is put together, the memo include the previous year's figures. Mr. Border agreed and added that because the plans are so well-funded, there will be a refund this year.

"Trick-or-treat" set

A motion was made by Commissioner DeHart, seconded by President Wilt, to approve the designation of Thursday, October 26, 6 PM to 8 PM, as the date and hours for "trick-or-treat" in Lower Swatara Township. The motion was unanimously approved.

Vice President Truntz suggested a rain-date also be set. A motion was made by Commissioner Paul, seconded by President Wilt, to approve the designation of Friday, October 27 from 6 PM to 8 PM, as the rain date for "trick-or-treat" in Lower Swatara Township.

Request for use of bay by MAHS

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the request by Middletown Area High School to use a bay in the Public Works garage for the annual Homecoming float build location. The motion was unanimously approved.

Transfer from Capital Reserve to PLGIT

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve the transfer of \$500,000 from the Capital Reserve Fund to a PLGIT Term Account for 270 days at a rate of 5.84%. Mr. Border added this was the best rate found, and these funds can be pulled out anytime if needed. The motion was unanimously approved.

Request from M&H Railroad to use Township property

A motion was made by Vice President Truntz, seconded by President Wilt, to approve the request by Middletown & Hummelstown Railroad to use Township property at the north end of Swatara Park during October for the "Pumpkin Patch Express" and during November/December for the "Polar Bear Express", contingent upon receipt of the required insurance for the events. The motion was unanimously approved.

Emergency Repair to Rosedale Ave.

Mr. Fabian referenced the addendum to the agenda regarding approval for an emergency repair to Rosedale Avenue. He explained that Jednota South Warehouse is doing the widening and curbing and sidewalk for the south side of Rosedale Avenue. The culvert crossing under Rosedale Avenue was unable to be evaluated previously because it was flowing with water. As they were preparing for their retaining wall, they were finally able to pump it out and discovered it was not actually a 48" pipe the whole way through. There is nothing to attach to for the work they are going to do; the pipe is just inserted into that stone arch. The recommendation is replacement of this pipe in its entirety. Commissioner DeHart remarked this will mean closing the road again for a day or two. He asked if the pipe is available. Mr. Fabian observed that while this is not specified in the quote, it is a very common size pipe. Solicitor Miller added the quote is from York Excavating Company, LLC in the amount of \$92,596.67. This is an emergency; it is unclear whether the Township or Municipal Authority will ultimately be responsible for paying this bill, although it will most likely be the Municipal Authority. Solicitor Miller suggested that out of caution, he will ask that both entities approve it. Commissioner Paul stated that part of this road widening was the developer's obligation as part of the Land Development Plan so they may be obligated to pay a small portion of this repair. Mr. Fure commented that the developer's portion of this would be miniscule. He added that one issue that does need to be discussed with York Excavating over the next couple days is the fact that a 12-inch water asbestos line goes through the area where this work will occur. Contact will be made with Veolia to see if it can be replaced at their cost. If the

Township must replace it, it will be done from point to point. Commissioner Paul added that he also went down there today, and the road is terribly dirty.

A motion was made by President Wilt, seconded by Commissioner Davies, to approve a bid from York Excavating Company, LLC for an emergency repair to Rosedale Avenue in the amount of \$92,596.67 and contingent on the Municipal Authority paying to get this work done. Mr. Border asked if the motion should include any approval for the waterline issue. Solicitor Miller stated that will have to be retroactive approval, if necessary. The motion was unanimously approved.

EXECUTIVE SESSION REQUESTED:

Solicitor Miller requested an executive session immediately upon conclusion of this meeting in order to discuss personnel matters and litigation involving Highspire.

FINAL COMMENTS:

President Wilt thanked the public for their comments.

Commissioner Davies stated he was impressed by how quickly the culvert replacement was completed. He also thanked the public for coming out tonight to voice their opinions.

Commissioner DeHart thanked the public for coming out and noted decisions made do not always make everyone happy. He added that he tries to do right by everyone in the Township.


Commissioner Paul agreed it was a good discussion this evening and added that he hopes the public understands why the Township has regulations. Sometimes they lead in a direction that not everyone likes.

Vice President Truntz stated he had previously reported on concerns from residents about lack of advertisement when there are open positions on boards, commissions, authorities, etc. Mr. Border confirmed that he had provided the Board with a list of vacancies that will occur at the end of this year. The Board agreed this could be placed on the website. Mr. Border asked how early this should be done. Commissioner Paul suggested the current appointees first be notified to see if they are interested in being reappointed. The Board agreed. Vice President Truntz also thanked everyone who came out and provided open and honest dialogue.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Davies, seconded by Commissioner Paul, to adjourn the meeting and convene into executive session. The meeting adjourned at 9:25 P.M.

ATTEST:



Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY
BOARD OF COMMISSIONERS
SEPTEMBER 20, 2023 WORKSHOP MTG. — 7 PM

Name/Organization	Address/Contact Information
Don Messick	Resident
Laurie Castagna	resident
Deb & Dean Cotton	Resident
Ken Sweeney	resident
Rosanne Placey Snajko	Resident
Mike Snajko, Jr	Resident
Ryan Warner	Stewart Properties
David Koratic	Warehouse
Zach Micholi	Warehouse
Braden Cord	Visit Back
TAD HOPPERSTEEL	Resident
NORMAN & Faye	
Beth Kluz	O'hara Lane
Gretchen Beaudoin	O'Hara Resident
Barry Hoffman	O'HARA LN
Danielle Derolf / Dawood Engineering	danielle.derolf@dawood.net
Mitchell Brady / Pennoni	MBrady@Pennoni.com
Jody & Bruce Koenig	resident
Jeanne Fox	1855 O'Hara Ln
Jeff Frekot	1851 O'HARA LN.
Lynda Lopp	Resident - Butler Dr
James Horton	1660 Lakeside Dr. - 717841 5724

PLEASE PRINT NAME CLEARLY
BOARD OF COMMISSIONERS

[illegible]