

MINUTES

LEGISLATIVE MEETING – SEPTEMBER 21, 2022

The September 21, 2022 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
- Jean R. Arroyo, Secretary
- Michael McAuliffe Miller, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Brian Davis, MS4 Coordinator
- Dominic Visconti, Chief of Police

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

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

PUBLIC COMMENT:

Linda Raphael, 62 Wayne Avenue, stated her understanding that PEMA has accepted the paperwork for the potential sale of homes in her neighborhood and they plan to report back to the Township at the end of October. She asked if the Township has any other updates. Mr. Fabian responded there has been no further updates. Ms. Raphael asked the name and number of the actual grant. Mr. Fabian agreed to get back to her with this information. Ms. Raphael inquired if there were pictures taken of these properties since the flooding occurred. Mr. Fabian explained that photos were taken in February and submitted; he is not aware of any additional photos taken since then. Ms. Raphael asked if the affected homeowners would need to have their homes assessed. She also asked if PEMA would go by the market value or what the homeowners put down on their applications. Mr. Fabian stated he is unfamiliar with this process but will speak to his colleagues at HRG.

Carol Siegfried, 192 Shady Lane, explained that someone had dumped a house full of furniture and trash near her property, as well as on Whitehouse Lane. Apparently, the owner of this property was a deceased person in Harrisburg whose house was sold. She surmised someone was hired to clean out the house, and they just dumped the debris at these locations. The police were notified, but the smell is getting horrendous. Chief Visconti explained the police department, specifically Officer Heckendorn, is pursuing this and attempting to find out who was hired to clean-out this house. He agreed to speak to Officer Heckendorn tomorrow to get a status update on the investigation. Roger Erickson, Shady Lane, agreed that this needs to be taken care of immediately as the homeowners should not be expected to do so. Commissioner DeHart noted the Public Works crew will take care of this as soon as the police are done with the investigation.

PRESENTATION BY DR. JOHN MASON, CHANCELLOR AT PENN STATE HBG:

Dr. John Mason, Chancellor at Penn State Harrisburg introduced himself and his colleagues, Dr. Paul Hallacher, Todd Camp, and Dr. Todd Clark. He then then provided a college snapshot to the Board. There are almost 5,000 residential students, and 5,000 in World Campus offerings. There has been continues growth to the point where the campus is now at capacity. There are plans for a new building, which would help satisfy current demand and allow for future growth. While this is a comprehensive campus, the majority of students are in the science, engineering and technology field. All the professional degrees are nationally accredited. In the year 2000, undergraduate students started increasing, and the majority of students are now undergraduate students. Many of these students will stay here for the entire four years. Right now, this is the largest Penn State Commonwealth Campus. Again, not much growth can occur until there are future financial investments made. There are two sites that are in the comprehensive plan for expansion. Penn State Harrisburg has a regional impact, with more than 700 employees – faculty and staff – living and working in the region. It contributes more than \$198,000,000 to the state's economy annually, and draws thousands of visitors annually for athletics, theatre, guest speakers, etc. Penn State Harrisburg is proud of its economic excellence and is committed to diversity, equity, and inclusion.

Dr. Hallacher expanded on work being done with a consultant to determine what the future might be for the campus. In 2019, it was determined that this campus is poised for

research growth; there are hopes to increase its regional impact through partnerships. Tonight's presentation to update the Board is part of this. Dr. Hallacher presented a map of the campus showing a vacant parcel for development as well as a cluster of old buildings that can be rehabbed. In 2019, Penn State went to Dauphin County and was able to secure several grants to do some planning work. A consultant was hired, and marketing and economic analysis determined that the campus is not ready to start building on Meade Heights until these public and private partnerships are built with funding. A list of examples of these initiatives was established. This list includes a Community Behavioral Health Clinic for speech, autism, addiction, etc. Another example is Nuclear Decommissioning for workers and technology to support TMI decommissioning.

Commissioner DeHart referenced the comments about public and private partnerships. The Board of Commissioners did provide support for Penn State's local share grants to the County. He noted, however, that Penn State does have an impact on the community and creates more of a burden on Township services such as fire, police, and EMS. Commissioner DeHart pointed out that the tax map shows Penn State purchasing property on Rosedale Avenue. This takes the property off the tax rolls, which means more burden on the residents to support these services since Penn State is tax exempt. He suggested Penn State Harrisburg provide a stipend to the Lower Swatara Township Fire Department to help offset their services. Dr. Hallacher noted the new housing would probably be private sector development since there is not the capacity on campus to build university-owned housing. Commissioner DeHart added that Penn State did contribute \$25,000 when the new fire station was being built. Dr. Clark stated that he recently met with Bill Leonard of the Fire Department to discuss support due to increased services. Once Penn State receives its approved budget from its board, a plan can be put in place regarding this support. President Wilt agreed that it is only fair to the Township residents that Penn State provides its share. Dr. Mason asked that the Board keep in mind that the number of Penn State employees and students that are living in the area and buying commodities also generate income for the Township.

Vice President Truntz added that volunteers are hard to come by already and burdening the Township's all-volunteer fire department with more calls, in addition to their training and fundraising, is a concern. Commissioner Davies remarked that the Township has a large amount of non-taxable property, which puts a strain on it budgetarily.

Dr. Mason stated he appreciates the candid dialogue tonight and hopes it can continue on a consistent basis. Commissioner DeHart suggested these updates be done at least annually. The Board thanked Penn State for their presentation.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Minutes of the September 7, 2022 Joint Meeting between the Board of Commissioner and Municipal Authority. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the Minutes of the September 7, 2022 Workshop Meeting. The motion was unanimously approved.

PAYMENT OF BILLS:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Payment of Bills – Warrant No. 2022-08. The motion was unanimously approved.

TREASURER’S REPORT:

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the Treasurer’s Report for August 2022. 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 14 Part I crimes, 25 Part II crimes, 400 calls for service, 1 DUI arrest, 15 traffic citations, 5 non-traffic citations, and 42 warnings. There were 13 motor vehicle accidents, 6,847 patrol miles driven, and 61 patrol minutes. There were 496.5 total overtime hours, and 48 total training hours most of which were completion of the mandatory controlled tactics’ training.

Co-responder stats included 4 new contacts and 9 follow-up contacts, 4 of which involved mental health commits.

Commissioner DeHart stated it is probably time to put the flashing speed sign back up on North Union Street, south of Longview. Chief Visconti reported that he and Mr. Washinger took a ride using the traffic study for North Union to identify locations where the signs should go. Signs were ordered in compliance with the study; as soon as they are installed, enforcement can begin.

At the August legislative meeting, the Board had given approval for the Police Department to apply for a grant that was then known as the "Heros' Grant" administered by the Pennsylvania Commission on Crime and Delinquency. On September 1, the PCCD announced the availability of what is now called the "Local Law Enforcement Support Grant Program". The primary purpose of the grant is to provide funding for local law enforcement agencies to implement information technology improvements, purchase or upgrade equipment, cover non-traditional law enforcement personnel costs, support retention and recruitment efforts, and provide necessary training to cover these related expenses. The Township is registered for this grant and will be going through the application process.

There was a meeting of the Dauphin County Chiefs of Police this morning, and the topic of trick-or-treat was on the agenda. As with last year, it will be up to the individual municipalities to set the date.

Chief Visconti requested an executive session for personnel reasons immediately upon conclusion of this evenings' meeting.

Fire Department

Chief Philips presented the monthly statistics' report. During the month of August, there were 41 total calls with 31 responders, for an average of 6 personnel per response and approximately 21 hours of time in service. There were 3 fire incidents, 7 rescue and EMS incidents, 1 hazardous condition incident, 4 service calls, 9 good intent calls and 16 false alarms. Mutual aid was provided to Highspire Borough (9), Middle Paxton Township (1), Middletown Borough (5), PA Turnpike (1), Silver Spring Township (1), and Steelton Borough (1). Commissioner Davies asked why the number of false alarms is high. Chief Philips stated he is unsure, as a lot of things from false alarms at businesses to kitchen fires at the campus can contribute to this.

ENGINEER'S REPORT:

Mr. Fabian reported that it looks like the construction at 217 Delmont for the drainage improvements project is wrapped up. The next course of action is to investigate the road issue at Cockley and repair that before the contractor mobilizes to Greenwood Circle to finish up the contract. Commissioner DeHart asked if the repair at Cockley will be under warranty. Mr. Fabian explained it is believed that the abandoned water line is the issue. Work on the paving project was able to start early, and Longview Drive is now paved. Mr. Fabian anticipated that as the contractor moves into the ADA designs, the paving in Old Reliance and Shopes Gardens should happen in early October. Substantial completion is anticipated by the end of October. Coordination with Veolia for the Bryn Gweled project is complete, and they have agreed to replace their line through the project and remove all the clashes identified for the preferred design of the new storm sewer system. The GP-11 permit submission has been submitted to DEP. A preconstruction meeting for the Fulling Mill Road boat launch project is scheduled for next Thursday. Mr. Fabian reported he also had a call with Penn Vest regarding close-out of the Rosedale Manor Penn Vest Loan. Discussion also entailed about the capital improvement project for the remaining infrastructure improvements for Fiddlers Elbow Road and Richardson Road. Mr. Fabian added he did find out yesterday that the Commonwealth Financing Authority issued all their grants. The Township had submitted a grant application for the Greenways Trails and Recreation Program for Shireman, but it was not approved. Wetlands' delineation and survey work are complete for the Hanover Street and Meade Avenue storm sewer repairs. Design on both sites can begin soon.

Commissioner Davies questioned the grant for the Shireman tract. Mr. Fabian explained this was for \$300,000 for the trail network, and is separate from the RACP business plan grant, which was submitted and is being reviewed. He explained the Greenways grant is a very competitive grant, but the Township can resubmit again next year if it desires.

Commissioner Paul asked if there is any update on the Bryn Gweled project. Mr. Fabian explained the GP-11 permit that has been submitted has been taking between 2 – 4 months to get back. Bid specs can be prepared in the meantime to move forward when the permit is issued. Commissioner Paul explained that the residents are anxious to see this project completed and have been told it would be this year. Mr. Fabian noted part of the problem is the coordination with the water line. Commissioner Davies asked if Veolia had indicated when they plan to undertake the line replacement. Mr. Fabian responded that while they committed to the project, they provided no

details or timelines yet. Commissioner Davies agreed this is important to prevent the digging up a freshly improved road. Commissioner DeHart asked if there is any word about UGI extending gas into Old Reliance. Mr. Fabian stated he has not heard anything but can inquire about this during the meeting tomorrow. It does not appear they are looking at the same roads the Township will be working on, but this can be verified.

MANAGER'S REPORT:

Request by MAHS to use bay in garage for float build

Commissioner Paul reported the Township has received the annual request from the Middletown Area High School to use one of the bays in the Township's public works building for the building of homecoming floats. The time period would be October 1 through October 15. Proper insurance was provided. In response to a question from Vice President Truntz, Commissioner Paul explained access will be provided by Mr. Washinger and there will be no employee overtime involved. The Board expressed no objections to the request.

Lining of tennis court at Memorial Park for pickleball

Commissioner Paul reported another request was received from a resident to convert one of the tennis courts at Memorial Field for pickleball courts. Commissioner DeHart noted he met with MARA about this request, which simply involves painting lines. There were no objections from the Board to pursue this request.

Future Meetings/Events:

President Wilt read aloud the list of future meetings and events:

September 22	7 PM	Planning Commission Meeting
September 26	7 PM	Municipal Authority Meeting
September 28	7 PM	Zoning Hearing Board
October 5	7 PM	Board of Commissioners' Workshop Meeting
October 13	6 PM – 8 PM	Fire Department Open House

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul informed the Board that residents in Old Reliance are planning to have a block party and will use the community park there on Sunday, September 25 from 3:30 PM to 6:30 PM. Additionally, the Township will probably be receiving the annual request from the Middletown & Hummelstown Railroad to use Township property for the Pumpkin Fest. He anticipated this will appear on the October workshop for formal action.

Budget and Finance Committee: Commissioner Davies reported that preliminary budget meetings have been held to discuss the upcoming year's budget. In addition, the pension boards will be meeting tomorrow evening at 7:30 P.M. to hear about the status of both plans.

Public Works Committee – Vice President Truntz reported the crew is busy power washing the pavilions at the parks, collecting trash, mowing, and preparing equipment for leaf collection. Safety-Kleen was out to look at the fuel tanks which apparently can be cleaned out faster than anticipated.

Community Development: Commissioner DeHart reported that he will attend the MARA meeting tomorrow night and will report back.

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS: None

NEW BUSINESS:

Conflict Consent Request w/McNees Wallace and Nurick

Solicitor Miller referenced a Conflict Consent Request with McNees Wallace and Nurick confirming consent to McNees' representation as Bond Counsel for the County of Dauphin in connection with the Dauphin County Infrastructure Bank (DCIB). Lower Swatara Township Municipal Authority has applied for a loan through DCIB, which will be guaranteed by Lower Swatara Township. In attendance tonight is Erica Wilbur of McNees and Garrett Moore of PFM, who will be commenting on the next several agenda items. Solicitor Miller noted he had discussed with Ms. Wilbur a small change that needs to be made to the letter that was provided to the Board. However, he recommended the Board approve this conflict consent request. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve a Conflict Consent Request with McNees Wallace and Nurick ("McNees") confirming consent to McNees' representation as Bond Counsel for the County of Dauphin in connection with the Dauphin County Infrastructure Bank (DCIB). The motion was unanimously approved.

Ordinance No. 603 for financing of Capital Project of Municipal Authority

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Ordinance No. 603 approving a certain Project being undertaken by the Municipal Authority of Lower Swatara Township, consisting, inter alia, of the financing of a Capital Project

of the Authority serving the residents of the Township of Lower Swatara through the issuance by the Authority of its \$472,000 Guaranteed Revenue Note, Series of 2022. Garrett Moore, Senior Analyst with PFM, explained that this financing will be the County's first infrastructure pool supported by gaming revenues. The County would issue a General Obligation Note/Bond for the entire financing amount and would agree to provide a 1.75% interest rate subsidy on the debt. Again, this subsidy would come from gaming revenues. Mr. Moore explained that requests for proposals had been sent to a dozen banks, and five banks had responded with 12 different rate options. Webster Bank was the winning bid with a 20-year fixed rate of 3.49%, resulting in a net rate of 1.74% for the participants. Lower Swatara Township participated in the pool and secured funding for the Conewago Creek Stream Restoration Project in the amount of \$460,826. Financing will be 15 years with an average debt service of approximately \$36,091. Closing of the note is scheduled for October 27. Mr. Moore referenced a handout showing the Township's payment schedule to the Dauphin County Infrastructure Bank. Ms. Wilbur clarified that this will actually be the Municipal Authority's payment schedule, since the Authority is making the payments, while the Township is guaranteeing the loan.

Commissioner DeHart asked if the subsidy will be taken off the payment or will be reimbursed. Ms. Wilbur explained the payments will be made directly from the Authority, and the note that is from the Authority to the County will be the subsidized rate of 1.74%. Commissioner Paul asked if there would be any penalties should the Municipal Authority decide to pay off the loan early. Ms. Wilbur responded that as of December 1, 2042 they could prepay all or a portion of it with no penalty although it all must be in amounts of \$100,000 with a 30-day notice to the County.

Ms. Wilbur again summarized what is before the Boards tonight. This ordinance authorizes the Township to guarantee the Authority's note. The Authority will be issuing that note in the amount of \$472,000. Dauphin County will purchase the note through the infrastructure program just described, and the Authority will use those funds for the capital project to pay its portion of the creek restoration project. The obligation for the Township to guarantee the note will be documented by a Guarantee Agreement. Commissioner Davies asked if the Authority would transfer the full amount in payment for this project upfront. Ms. Wilbur explained that on the day of closing, which is October 27, all the funds will initially be wired to the County for its note, then wired to the Authority who will make payments back to the County

on a semi-annual basis. The first payment will be due May 1, 2023. In response to a question from Vice President Truntz, Ms. Wilbur explained that if the Authority is financially unable to make the payments and would default, then the Guarantee Agreement would kick in.

With the motion to approve on the floor and seconded, a roll call vote was taken with the following ballot tabulation: Commissioner DeHart – aye, Commissioner Paul – aye, Commissioner Davies – aye, Vice President Truntz – aye, President Wilt – aye.

Ordinance No. 603 was approved by a 5 – 0 margin.

Guarantee Agreement among Authority, Township and Board re: DCIB Program

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve a Guaranty Agreement among the Municipal Authority of the Township of Lower Swatara (the “Authority”) and the Township of Lower Swatara (the “Municipality”) and the County of Dauphin (the “County”) as lender pursuant to the DCIB-Program. The motion was unanimously approved.

Contribution Agreement between Commonwealth of PA and Township for partnership

Solicitor Miller recommended the Board table a Contribution Agreement between the Commonwealth of Pennsylvania acting through the Department of Transportation and Lower Swatara Township for a partnership to reduce sediment pollution in the Chesapeake Bay Watershed. He explained that Mr. Davis and he agree that there are a few pieces missing, including some red-line comments they had made to PennDOT. This agreement can be placed back on the agenda of the first meeting in October. A motion was made by Vice President Truntz to table a Contribution Agreement between the Commonwealth of Pennsylvania (Commonwealth), acting through the Department of Transportation (PennDOT), and Lower Swatara Township for a partnership to reduce sediment pollution in the Chesapeake Bay Watershed. The motion was unanimously approved.

Contract Authorization & Notice to Proceed to Flyway Excavating for Boat Launch

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Contract Authorization and Notice to Proceed to Flyway Excavating, Inc. for the Fulling Mill Road boat launch facility project. The motion was unanimously approved. Commissioner Paul inquired if the grant funds are more than needed. Mr. Fabian explained that due to an increase in the bid amount and design amount when working through the HOP issues, a secondary grant amount was requested. Commissioner DeHart added this is still a 50/50 grant.

Change Order #1 for 2022 Paving Project

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve Change Order #1 to the 2022 Lower Swatara Twp. Paving Project contract with New Enterprise Stone & Lime Co., Inc. This change order reduces \$86,465.44 from the awarded contract price of \$1,384,395.95, leaving a new value of \$1,297,930.51. Mr. Fabian explained that the Board had previously discussed getting away from the milling and base course on Longview and instead do a leveling course and wearing course. This brought enough funds back to the project to be able to undertake leveling course and overlay on Spring Garden from Lumber to Nissley and still have a return of funds to the account process. Mr. Fabian noted that the work on Longview is now complete. Commissioner DeHart asked if the yellow lines have been painted. Mr. Fabian stated they have not been painted yet but are now included in the work. The motion was unanimously approved.

Financial Security Adjustment #1 for FedEx Ground

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve Financial Security Adjustment #1 for FedEx Ground Harrisburg East – Parking Expansion (LST Plan 2021-01) in the amount of \$3,324,187 from \$3,329,071, leaving a balance of \$4,884. The motion was unanimously approved.

Prep and Advertisement of Ordinance establishing Special Purpose Fee

Solicitor Miller recommended the Board table authorization to prepare and advertise an ordinance which would establish a revised Special Purpose Fee for the Lumber Street Interceptor Improvements Project since the Municipal Authority has not yet established this fee. A motion was made by Commissioner Davies to table authorization to prepare and advertise an ordinance which would establish a revised Special Purpose Fee for the Lumber Street Interceptor Improvements Project. The motion was unanimously approved.

MMO for Police and Non-Uniform Pension Plans for 2023

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minimum Municipal Obligation for the Police and Non-Uniform Pension Plans for 2023. The motion was unanimously approved.

Hiring of Public Works Laborer

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve the hiring of Cory E. Smith as a Public Works laborer with a starting date of October 10, 2022. The motion was unanimously approved.

Hidden Driveway signs on Fiddlers Elbow Road

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve authorization to install "hidden driveway" signage on Fiddlers Elbow Road. The motion was unanimously approved.

Designation of "Trick-or-Treat"

The Board discussed setting a date for "trick-or-treat". Vice President Truntz suggested the Board also consider establishing a rain date. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve designation of Thursday, October 27, 6 PM to 8 PM, as the date and hours for "trick-or-treat" in Lower Swatara Township, with a rain date of October 28, 2022. The motion was unanimously approved.

FINAL COMMENTS:

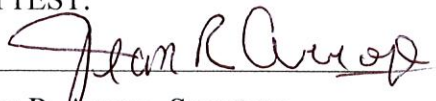
President Wilt noted that Chief Visconti had previously requested an executive session this evening. The Board will also need to meet in executive session for personnel reasons.

The commissioners thanked the public for their attendance and participation this evening. They also agreed that the dialogue with Penn State was very helpful. Vice President Truntz added that Penn State Harrisburg is a valuable and integral part of the community, and he hopes the Board's comments and suggestions to them tonight were taken in the spirit that they were offered.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Daives, to adjourn the meeting and convene into executive session. The meeting adjourned at 8:19 P.M.

ATTEST:


Jean R. Arroyo, Secretary

PLEASE **PRINT** NAME CLEARLY

SEPTEMBER 21, 2022, 7 PM

BOARD OF COMMISSIONERS' LEGISLATIVE MEETING

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