

MINUTES
LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY
LEGISLATIVE MEETING – AUGUST 23, 2021

The August 23, 2021, Non-Legislative Meeting of the Lower Swatara Township Municipal Authority was called to order at 7:00 P.M by Chairman Wilkinson. Chairman Wilkinson called for the pledge of allegiance. The record indicated the following in attendance in person or through Zoom:

- Richard Wilkinson, Chairman (Zoom)
- Daniel Magaro, Vice Chairman
- Chester Hartz, Secretary
- Scott Spangler, Treasurer
- Frank Popp
- Elizabeth McBride, Township Manager
- Peter Henninger, Solicitor
- Caleb Krauter, Engineer
- Shawn Fabian, Engineer (Zoom)
- Brian Davis, MS4 Coordinator
- Tracey Bechtel, Recording Secretary

Residents and visitors in attendance: See Attached Sheet

Public comments: None

Approval of Minutes:

A motion was made by Mr. Magaro seconded by Mr. Popp to approve the Minutes of Workshop Meeting July 12, 2021. The motion was unanimously approved.

A motion was made by Mr. Spangler seconded by Mr. Hartz to approve the Minutes of the Legislative Meeting July 26, 2021. The motion was unanimously approved.

A motion was made by Mr. Popp seconded by Mr. Magaro to approve the Minutes of the Workshop Meeting August 9, 2021. The motion was unanimously approved.

Engineer's Report:

2019 Proposed Capital Improvement Projects

HRG anticipates preparing the final closeout documentation for Contract N. 19-1 for the September 27, 2021, Authority Board Meeting, pending completion of punch list items by the Contractor. Contract No. 19-3 will be

closed out upon confirmation that the leaking of the air release valves on the Jamesway Pump Station force main has been addressed by the Contractor.

HRG completed a substantial completion walkthrough with DOLI Construction and LSTMA Staff on March 3, 2021, to review the work that was completed under Contract No. 2019-01. Construction was determined to be substantially complete, and a substantial completion certificated was issued on March 16, 2021.

DOLI Construction was on site on April 2, 2021 (Good Friday) when an alarm was triggered for a pump. Upon response by LSTMA Staff, it was found that DOLI had damaged a sensor which tripped the alarm. LSTMA called Envirep, TLC to fix the repair which cost \$1,461.23.

The substantial completion date for Contract No. 2019-01 was extended from June 1, 2020, to October 23, 2020, with the approval of Change Order No. 2. DOLI is scheduled to complete the final restoration in the coming weeks.

HRG continues the construction administration services until the closeout of the project. Due to substantial delays in construction HRG has exceeded the scope within the Agreement with the Authority. At the request of LSTMA Staff, HRG will continue to bill our services, for the remainder of the project, under Phase 4 of the Agreement. Phase 4 is the time and materials phase for the RPR services.

No update. The Middletown Management Associates permanent easement agreement was signed and received. This easement will need to be notarized by both parties once it is safe to do so and before being recorded.

Act 537 Planning

No update. LSTMA Staff are working with contractors to supply quotes for completing the flow metering of the sewer system, as discussed at the April 2021 Authority Board Meeting. Completion of the plan is temporarily on hold until the flow monitoring is completed, which is anticipated to be completed in the spring of 2021. We also anticipate completing the remaining on-lot disposal system inspections once it is safe to enter onto resident's properties. Our services are proposed to be on a time and materials basis, as requested by the Authority.

Stormwater Authority Implementation Support Services

No update.

2021 Drainage Improvements

Design documents were uploaded to PennBID on Friday July 30th. Bid opening is set for 10:00 AM on Wednesday August 25, 2021. Design includes drainage improvements at 217 Delmont Avenue, Scarlett Lane, Spring Garden Drive by the Caterer, Swatara Dr. and Penna Ave, Cockley Road, Nissley Drive at Spring Garden. Nissley at Spring Garden designs will be finalized with Scott Washinger and added to this project as a change order after contractor is selected.

Legal descriptions for the required easements were written and sent to the Solicitor on May 13, 2021, for incorporation in the final easement documents. LST staff have been negotiating the necessary easements with 215 and 217 Delmont, as well as the caterer.

Rosedale Manor Stormwater Project

DOLI has completed all base course paving through the project and is currently working on remaining punch list items necessary ahead of final wearing course paving. These punch list activities include repair of a damaged section of curb and sidewalk, pouring turning flares for all concrete aprons, grading of swales to replace drainage through yards where old storm sewer was abandoned, final topsoil placement and hydroseeding. Final wearing course pavement is anticipated to start after Labor Day and run 1-2 weeks, depending on weather.

PADEP requested a field meeting with us and Highspire Borough to review the outfalls from the project. That meeting took place on July 15, 2021, and detailed meeting minutes will be prepared and distributed to the board and staff for review.

We have completed our review of DOLI's change proposals 1-4 and have prepared Change Order 2 for consideration at next LSTMA board meeting. This handles out of scope items encountered during early construction and provides a contract extension for Covid and supply chain disruption delays outside of DOLI's control.

HRG is reviewing through all other work change directive and field order responses from DOLI to process all necessary change orders for the project.

2021 Sanitary Sewer CIPP Lining Project

HRG is completing the capacity analysis of the sewer system for lining and continues design activities. The Contract Documents are anticipated to be ready for bidding this fall.

Land Development Projects Update

The Pond at Fulling Mill (Retirement Community)

The ELA Group, Inc. has submitted a Wastewater Capacity Verification Letter (Letter) Dated August 12, 2021, to the Authority. The letter states that the proposed land development is projected to generate 37,665 gallons per day (gpd) of wastewater. PA DEP approved 48,400 gpd in the sewer planning module that was submitted in 2008 for this site. PA DEP has also confirmed that no additional planning is required if the projected sewer usage does not exceed 48,400 gpd. The Letter also requests verification from LSTMA, that no additional wastewater capacity is needed.

As previously discussed, additional improvements are anticipated to be needed to the Lumber Street interceptor for additional connections to be made.

Mr. Krauter indicated that the Authority Board should be aware that historically the Lumber Street interceptor has seen capacity issues of being undersized, so when this planning took place back in 2007/2008 there was an agreement between the Developer at that time and the Authority to reserve capacity for 121 EDUs. Mr. Krauter noted that Solicitor Henninger has the agreement, and that agreement did include the developer paying for and upsizing part of the Lumber Street interceptor. The section that was upsized was in Highspire Borough Authority and the Highspire Borough Authority partnered with them and there were some grants that were received, and the work has been completed.

Solicitor Henninger added that back in the day, with Woodridge PRD, that developer did a section of Lumber Street as well as the Township also did a section of Lumber Street which is where the \$1,000 per EDU Special Purpose Part comes from for anybody who has a new flow going to Lumber Street. The prior owners of the Pond and two other developers had 121 EDUs and part of that deal, they would not have to pay the Special Purpose Part on that because they were making the improvement to the Lumber Street interceptor. There are other sections that need done.

Solicitor Henninger indicated that there was a little confusion on how they had a planning module approval for 48,400 gpd when we only gave them 121 EDUs, but it was discovered that when they did the planning module they based it on 400 gpd and ours was 228 gpd and now it is 217 gpd, so although they don't need any more planning from DEP, they only have 121 EDUs and if they get the zoning amendment and develop it as they are planning right now they need an additional 47 or 48 EDUs. Then the question comes to the Authority, that, how is the Authority going to deal with this, if it was only 3 or 4 more EDUs they would pay the Special Purpose Part, but when they are looking at doing 47/48 addition EDUs does that kick you into saying they have to do another section of Lumber Street.

After further discussion, Mr. Krauter summarized three (3) possible solutions, the first is to impose a Special Purpose Fee and then not have this Developer for the Pond on Fulling Mill complete any improvements, the second one would be to direct this Developer to complete a section of upsizing of priority #1 and #2 and then option number three would be the whole project would be done at once and the funding for that could be a variety of things like the developer, the Authority, future developers, as well as grants.

Commissioner Paul inquired, if this was to go to the Special Purpose Fee category, we do, do we not, have revenue already in there. Solicitor Henninger indicated there is \$377,000.00 in the Special Purpose Fund right now and indicated that money is unrestricted and can be used for anything Authority related.

Mr. Krauter clarified that the agreement was for reserving the capacity, so the previous developer did not pay for the 121 EDUs so they would be required to pay for all 174 EDUs for the tapping fee. They would just be exempt for the Special Purpose Part for the 121 EDUs.

Commissioner Paul asked how accurate their calculations are determining that they have less gpd than taking the multiplier 217 plus the number of units, which is significantly higher, we need to be certain that what we agree to flow wise is legitimate. Solicitor Henninger noted that they had that discussion. Back in 2008 the 400 gpd was DEPs guidance, so when they needed the 121 EDU's they took 400 times 121 which gave them 48,400 gpd. Solicitor Henninger noted that they had modular approval, they don't have 48,400 gpd approval from the Township. The agreement is in EDUs not in gallons.

A motion was made by Mr. Hartz seconded by Mr. Popp to go with the recommendation to investigate going with a public/private project to do the improvements to the Lumber Street interceptor. The motion was unanimously approved.

Commissioner Paul inquired that if this becomes reality, it will take care of the biggest part of our concerns within the Township, what are the concerns that we don't know about in the Borough of Highspire. Mr. Krauter replied that HRG has contacted Highspire Borough just today, but unfortunately have not got a response back from them yet, but HRG will continue to keep the dialog going to find out if there are any bottlenecks in their system that would be created by our upgrade.

Hershey Creamery Expansion

The Developer has requested that the wastewater improvement guarantee be reduced, as the gravity sewer system has been installed. At the request of LSTMA Staff, the final inspection will be completed in the coming week, at which time we will provide our recommendation to the Authority.

Construction of the wastewater pretreatment plant continues.

UPS Northeast Hub

Construction of the storm and sanitary sewer utilities on the UPS NERH site and along N. Union Street are substantially completed.

The Developer's Engineer was provided minor comments on the design of the N. Union Street Pump Station. Approval to submit the Water Quality Management Part II Permit was provided to the Developer's Engineer on August 21, 2021.

William's Farm

No Update.

Buddy's Run Subdivision

No update. Final pavement restoration is anticipated to be completed before the end of October 2021. The sanitary sewer manholes will need to be re-vacuum tested once final pavement is installed.

PSU Meade Heights

No correspondence was received over the past month.

Stoneridge Lot 1

No correspondence was received over the past month.

SBC Pennsylvania Building Expansion (2755 Spring Garden Drive)

No correspondence was received over the past month.

Building #300 – Capital Logistics Center

No Report to report.

Star-Barn Duplexes

No update to report.

Campus Heights Village III

No update to report

Wilsbach Distribution Facility

No update.

D&H Proposed Warehouse

No Update.

Fiddler's Elbow Warehouse

No Update.

Kinsley Residential Subdivision

No Update.

Morgan's Run

No Update. HRG has received notification that the developer has completed all punch list items except for the sanitary sewer manhole testing. Once all items have been completed, we will review the facilities with the Authority staff and

provide a recommendation to the Authority. We have received the CCTV of the sanitary sewer mains, which are currently under review.

Oberlin Road Townhomes

No Update.

Mr. Krauter noted that the roadways in Bryn Gweld are currently being evaluated for potential improvement. It was noted and was brought to the Commissioners attention at their last commissioner's meeting that some of the residents are concerned about the conditions there and it was stated that it is currently being assessed, we will have more information on the timeline for those improvements and if any storm sewer or sewer upgrades needed prior to the paving activities.

Commissioner Paul apologized for not being at the last meeting, as he was reading over the minutes, regarding the Delmont Avenue project, he would recommend letting the principals of the Industrial Park property, their engineers, determine the size and review and make sure the capacity is there in that basin. Mr. Krauter agreed and indicated HRG will make sure that all is analyzed before it is connected.

Solicitor's Report: No Report.

Municipal Authority Manager's Report: No Report.

Township Manager's Report: Ms. McBride noted that she had sent out letter to both Sheetz and Cramer's in regards to their overage in EDUs from what they purchased. She indicated that Mr. Cramer had gotten back to her and asked for a delay till September because he is in the process of moving. Sheetz also reached out and even though Ms. McBride asked them to purchase 42 EDUs, they were hoping we could agree to them purchasing 36. Ms. McBride thought that was fair on their part. We did some history back to January of 2019, out of the 31 months, 16 of those months they were over 25 EDUs, but only 4 of those months were they at 36 or over. Solicitor Henninger recommended that the Board put a provision in the letter that if they start using over the 36 EDUs that they need to buy the additional EDUs once again.

A motion was made by Mr. Magaro seconded by Mr. Popp to agree that Sheetz buys additional EDUs from 25 EDUs to 36 EDUs with the understanding that if they go over the 36 EDUs at any time, the Authority can come back and insist they purchase the additional EDUs. The motion was unanimously approved.

Ms. McBride noted that budget season will be starting so there may be conversations on what we need to plan on down the road.

MS-4 Report: Mr. Davis updated the Board on the Shope Garden rain garden. We have entered a contract with GTA to do an infiltration study, they will be coming out on August 30th. We will have a general idea on the day of

the test, but they will then give us another report approximately a week after so next month we should be able to make an informed decision on how to move forward.

Approve August Expenses for Sewer Revenue Fund:

A motion was made by Mr. Spangler seconded by Mr. Hartz to approve the August Sewer Revenue Fund expenses in the amount of \$233,949.30. The motion was unanimously approved.

Approve August Stormwater Fund expenses:

A motion was made by Mr. Spangler seconded by Mr. Magaro to approve the August Stormwater Fund expenses in the amount of \$44,464.06. The motion was unanimously approved.

New Business:

Approve/reject/table Application for Payment #6 to DOLI Construction, Inc.

Chairman Wilkinson open this item up for Public Comment since it was an Addendum to the Agenda. Hearing no public comment, a motion was made by Mr. Popp seconded by Mr. Spangler to approve Application for Payment #6 in the amount of \$330,497.40 to DOLI Construction, Inc. for the Rosedale Manor Drainage Improvement Project. The motion was unanimously approved.

A motion was made by Mr. Magaro seconded by Mr. Popp to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:02 P.M.

ATTEST:

Tracey Bechtel, Recording Secretary

PLEASE PRINT NAME CLEARLY 8-23-2021

NAME _____

ORGANIZATION (IF APPLICABLE) OR ADDRESS

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