

**MINUTES**  
**LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY**  
**LEGISLATIVE MEETING – MAY 23, 2022**

The May 23, 2022, 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
- Chester Hartz, Secretary
- Frank Popp, Treasurer (Zoom)
- Don Bailes
- Brett Flower, Eckert Seamans
- Caleb Krauter, Engineer
- Shawn Fabian, Engineer (Zoom)
- Scott Washinger
- Brain Davis, MS4
- Tracey Bechtel, Recording Secretary

Absent: Scott Spangler, Vice Chairman

Residents and visitors in attendance: See Attached Sheet.

**Public comments:** Mike Knaub, 1 Mountain View Rd, addressed the Board regarding his driveway which got damaged during the roadwork that was being done in the Rosedale development area. He presented a letter to the Board that he received from the former Manager, Ms. McBride, that his driveway would be taken care of. He also gave the Board two estimates that he received along with pictures of the damage.

Mr. Hartz asked the question that if the Contractor caused this damage, why is the Township being held responsible. Chairman Wilkinson explain that the Township has contracted the project with the Contractor, therefore, the Township needs to go after the Contractor for the damages he caused to Mr. Knaub's driveway.

A motion was made by Mr. Hartz seconded by Mr. Bailes to put a notice into DOLI Construction to repair the driveway at 1 Mountain View Rd. The motion was unanimously approved.

Ahmed Mohamed-4 Sara St. Middletown: Not present this evening.

MS4 Joint Ventures: Erin Letavic, Senior Project Manager, HRG and Steve Deck, Executive Director, Tri County Regional Planning Commission. Mr. Deck gave some background to the Board, that 5 years ago, doing the Comprehensive Plan, ended up with a strong focus on water resources and looking for ways the County could act in support for a range of municipal issues like MS4, flooding and water quality. In the last several years, we've been

working together to try to frame up a program that would be flexible enough for municipalities to buy into to address some of the unknowns in the future of the MS4, which would give some cost savings and hopefully gives opportunities to do many of these stormwater or flooding projects, not necessarily on an individual municipal basis but on a watershed basis. The County is trying to act in part, to give that big picture of the watershed idea.

We did a countywide action plan which was a DEP thing focusing on water quality this past year and for Dauphin County we got \$600,000.00 in implementation funds that we are going to make part of a project down along the Conewago Creek, which makes this cost savings project possible.

Ms. Letavic referenced the WREP handout that was given to the Board. The County has been looking at some regional stormwater options for number of years now. The Conewago Stream project became a shovel ready project. Ultimately what we're looking to do is start implementing stormwater on a regional basis more consistently across the county. That could include flood litigation projects, the entire 230 corridor if we get enough municipalities to participate. Lots of different kind of co-benefits, Ms. Letavic emphasized that the one thing we learned over the past five to six years with MS4, is that doing projects just for the sake of doing projects is a waste of money. As this Conewago Project was eligible for this block grant funding and we recognized the project had a lot more sediment reduction credits in it then the two municipalities working together needed, that's when we realized, let's talk with DEP about a regional approach and see if other Townships could invest in the project and save money on their MS4 regulations. Ms. Letavic explained they are here tonight, the big picture is there is a parallel path, the County is interested in instituting a regional program and we see this as being the kickoff and the Conewago Stream Project is one that select municipalities can buy into because of the water shed situation and can realize a couple hundred thousand dollars' worth of savings on MS4 requirements. Ms. Letavic asked if the Board had any questions, and if the Township would have any interest in investing in the project to save on MS4 regulations.

Chairman Wilkinson indicated that his concern is, if the Township would decide to opt into this program, what is stopping DEP from coming to Lower Swatara and saying this is great that you are part of this program, but you need to still these other things that we said you needed to do. He doesn't want to get into a situation where we are committing taxpayer dollars to do projects in a regional basis and then have DEP come back to the Township and say, oh by the way, you still need to do these other projects within your Township. Ms. Letavic responded that since we do have a pollutant reduction plan that currently outlines the number of projects and to buy into this project that would one step the Township would have to take is to revise that plan and demonstrate this is how we would intend on meet our obligations. If a number of communities are eligible to buy into it, the same PRP revision that is done for one Township will be done for the others. Ms. Letavic added that the other thing that is tricky about this timing is that we were expecting as consultants to know what the next MS4 permit requirements were going to be by now and we don't. On one hand it is an opportunity to knock out your 200,000 lbs. now and be done with that and keep those projects for the next permit term if there are additional requirements. Ms. Letavic stated that to ensure DEP does not come back and says you need to do these other things that you committed to, the plan gets revised to address that. Ms. Letavic clarified that the intent at this point is to put the existing Township projects on hold, because the existing Township projects are very expensive to accomplish in such a short period of time. So if the

next permit term doesn't require sediment reduction requirements then that suite of projects that are on the books can be put on hold indefinitely, you don't have to fund raise for them, you don't have to go through design and permitting, you can hold them till you have a better reason to do it then just for water quality. Therefore, we see the Conewago Stream project as being a good option because the Township does not have to take on any operation and maintenance of it and it's a way to get your MS4 permit obligations completed.

Chairman Wilkinson asked that in long-term are they looking at making a Regional Stormwater Management Authority. Mr. Deck indicated that at this point they are looking at doing a cooperative program, DCED is working with Tri-County Regional Planning Commission on doing a line of credit so that there will be funding opportunities. We are looking to facilitate not to form a new entity.

Chairman Wilkinson asked if there was special financing available, who's name would it be in, each individual Township or the Township in which the work is being done. Ms. Letavic responded that it will depend, project by project. For this first project, the Redevelopment Authority is taking out a DCIBG loan this fall, so that the communities that are interested in investing in the Conewago Project don't have to pay up front as a one lump sum this year. They are planning on putting in place a ten-year bond, they will go out in the bond market this fall to secure the financing for next year. This would be an option if the Township Commissioners and the Municipal Authority would be interested in participating and are interested in the DCIBG offering, that would need to be communicated to one another. Financing will be held by the County, any municipalities that participate do have to pay that loan back.

Mr. Hartz expressed his concern on spending close to a half million dollars, taxpayer dollars, on a project that is outside of the Township. Mr. Bailes agreed with that concern. Ms. Letavic acknowledged their concern but pointed out that we would get \$720,000.00 to reinvest into the Township for actual infrastructure, so it all depends on where you see the value, she added that stream work is infrastructure which is difficult to explain to the general public. Mr. Popp noted that we also run the risk of not meeting our MS4 requirements if we don't do this.

Mr. Messick inquired how does the \$2.00 per pound of sediment compare to the price if it were just the Township doing projects on our own. Ms. Letavic indicated the last estimate was at \$5.12. Mr. Davis mentioned that the sediment reduction that the Township must do is mandated by the State. Whether we spend a million plus on projects in our Township, or we spend 460,000.00 on a project in the neighboring municipality, we still must do it. If we save money doing a joint venture, that is money we can spend on projects in our own Township that aren't necessarily sediment reduction, like upgrades to our stormwater infrastructure, which is desperately needed around the Township. There are basin retro fits that need to be done to help with flooding, all these types of projects come unlocked by the fact that we have extra money. We can look at our problem areas sooner which will benefit the Township even though we are doing work outside the borders of the Township.

Ms. Letavic pointed out that the risk of not meeting our regulatory requirements is not a good idea, especially right now because EPA is looking closely at Pennsylvania, like they did back in 2015 where they did inspections on MS4 around here. We would still have to meet our requirement and pay the fine, so deciding sooner than later is in the Township's best interest.

Chairman Wilkinson thanked Ms. Letavic and Mr. Deck for their time explaining this to the Board this evening, it was very helpful in understanding the situation better.

**Approval of Minutes:**

A motion was made by Mr. Hartz seconded by Mr. Bailes to approve the Minutes of Legislative Meeting April 25, 2022. The motion was unanimously approved.

Approve/reject/table Right-Of-Way Agreement for Sewer Facilities between Middletown Area School District and the Municipal Authority of Lower Swatara Township.

Mr. Krauter recommended the Board table this item since the Middletown School District has not taken action on this easement agreement.

A motion was made by Mr. Hartz seconded by Mr. Bailes to table this item. The motion was unanimously approved.

Approve/reject/table authorization to apply for Highway Occupancy Permit-Triple Crown.

Mr. Krauter recommended the Board approve this authorization with one change on the Form. The name listed is Lower Swatara Township Authority, it should be The Municipal Authority of Lower Swatara Township.

A motion was made by Mr. Bailes seconded by Mr. Hartz to approve the authorization to apply for the Highway Occupancy Permit for Triple Crown after the name change to Municipal Authority of Lower Swatara Township is corrected. The motion was unanimously approved.

**Engineer's Report:**

Approve/reject/table Application for Payment No. 9 for the Rosedale Drainage Improvements Project to DOLI Construction Corporation.

A motion was made by Mr. Popp seconded by Mr. Hartz to approve Application for Payment No. 9 for the Rosedale Drainage Improvements Project, in the amount of \$983,138.27 to DOLI Construction Corporation. The motion was unanimously approved.

Approve/reject/table Change Order No. 1 to JVI Group, Inc. in the amount of \$243,350.00 for the 217 Delmont Ave. stormsewer extension in the First Industrial Basin and for the stormsewer repairs at Greenwood Circle. This would also provide a roughly three-month extension to the contract to be able to complete the work.

A motion was made by Mr. Popp seconded by Mr. Hartz to approve Change Order No. 1 to JVI Group, Inc. in the amount of \$243,350.00 for the 217 Delmont Ave stormsewer extension in the First Industrial Basin and for the stormsewer repairs at Greenwood Circle. The motion was unanimously approved.

Approve/reject/table full release of the Financial Security for Stormwater Management for Fiddler's Elbow Warehouse in the amount of \$317,666.00.

A motion was made by Mr. Bailes seconded by Mr. Hartz to approve the full release of the Financial Security for Stormwater Management for the Fiddlers Elbow Warehouse in the amount of \$317,666.00. The motion unanimously approved.

### **Act 537 Planning**

The flow meters are actively recording the flow within the sewer system. Upon completion of the flow metering period, ADS will provide the capacity report in accordance with the agreement. No Update. Completion of the plan is temporarily on hold and will be restarted once the flow monitoring is completed. We also anticipate completing the remaining on-lot disposal system inspections once it is safe to enter onto resident's properties and once the flow monitoring is completed. Our services are proposed to be on a time and material basis, as requested by the Authority.

### **Stormwater Authority Implementation Support Services**

No update.

### **2021 Storm Sewer Replacement Project (217 Delmont Ave, Scarlett Ave, Spring Garden Dr by Caterer, Cockley Road Culvert Replacement, Swatara Dr & Penna Ave, Nissley & Spring Garden, Greenwood Circle).**

We finished working with Veolia (formerly Suez) to address the remaining water conflict issue. The final water replacement segment for this project was completed on May 5, 2022, at our stormsewer installation for Spring Garden in front of the caterer.

Construction is complete at Spring Garden except for final road restoration and road was temporarily reopened May 13, 2022, Scarlett Ave is complete including pavement restoration, Cockley Rd is complete except for final pavement restoration, Pennsylvania Ave sanitary sewer replacement is complete, Swatara Dr stormsewer replacement is complete except for final pavement restoration. Delmont roadwork is complete, but the off-roadway work will wait until the final easement is secured there from First Industrial.

All needed easement documents are in the MS4 coordinator and solicitor's hands for execution with their respective landowners. Easements necessary for the work include Spring Garden in front of the caterer (recorded), 217 Delmont (1 signed, 1 pending), Cockley Rd (recorded) and Greenwood Circle (All 4 signed). Scarlett Lane, Swatara Dr & Penna Ave, and Nissley & Spring Garden work all occurs within the road right-of-way and existing drainage easements, so no additional easements need to occur for those sites.

The additional contract pricing for Greenwood Circle and the 217 Delmont revisions was finalized and Change Order #1 has been prepared for authorization to the contractor for these two sites. Permit submission for Greenwood Circle outfall GP-11 was made to PADEP February 4, 2022, and this is still in review.

Nissley and Spring Garden Subsurface Utility Engineering results found 3 water line clashes and 1 gas line clash that cannot be resolved through engineering adjustments, so we will have to work with those utilities to move out of our way. This will delay that project till next year most likely. We have set up a meeting with Veolia on May 20, 2022, to discuss how to resolve the clashes with the waterline.

#### **Schedule:**

Substantial Completion	June 24, 2022
Final Completion	July 22, 2022

### **Rosedale Manor Stormwater Project**

DOLI continues to address their punch list items to prepare for final completion of the project. Application for Payment #9 is on the agenda for this meeting and covers the approved change order or the project.

All documents for the Highspire easement for revisions to the outlet at Hanover Street have been revised per Borough Engineer Comments and are with the solicitor to draft an agreement.

Schedule:

Substantial Completion	Revised to November 11, 2021
Final Completion	Revised to May 31, 2022

#### **Bryn Gweled Infrastructure Replacement Project**

We have prepared the initial design and performed a clash analysis to reach out to any utility owners with conflicts identified. Right now, we have requests into UGI to confirm if they have assets in the area or not, as well as Veolia (formerly Suez) to work through actual location and depth of their line. We also have a sanitary sewer clash near Lumber Street to resolve for the culvert replacement on Conway.

#### **2022 CIP Stormwater Improvement Project (MASD Stream Restoration Projects PRP BMP's 5 and 6, Hershey Creamery Stream Restoration Project PRP BMP 7, Burd & Richard Storm Sewer Replacement, N. Union St. Storm Sewer Replacement, Richardson Road & Fiddler's Elbow Road Bank Erosion Repair)**

Survey work for all locations above have been completed except for the Hershey Creamery Stream Restoration Project. Survey projects are in post processing and the scope for full design and permitting is being prepared.

#### **2021 Sanitary Sewer CIPP Lining Project**

The project has been revised to include the sewer pipes within the Bryn Gweled neighborhood and remove the Industrial Lane sewer interceptor, as requested by LSTMA Staff. The documents are scheduled to be completed in the coming weeks. Upon review by LSTMA Staff, the bidding documents will be finalized and uploaded to PennBid.

#### **Highspire Borough Authority (HBA) – Biosolids System and Dewatering Improvements Project**

No update.

#### **Land Development Projects**

##### *The Pond at Fulling Mill*

No update. Discussions on sanitary sewer improvements are on hold until the zoning exemption request are acted on.

##### *Hershey Creamery Expansion*

No update.

##### *UPS Northeast Hub*

A substantial completion meeting took place for Phase 1 (UPS NERH property) April 20, 2022, and Phase 2 (N. Union Street) on April 27, 2022. A substantial completion punchlist was provided to the Developer that included raising the sanitary sewer manhole frames, in accordance with the Authority Standards, and replacement of defective chimney seals.

Construction continues at the Phase 3 (N. Union Street Pump Station).

##### *William's Farm*

No update.

##### *Buddy's Run Subdivision*

No update to report.

*PSU Meade Heights*

No correspondence was received over the past month.

*Stoneridge Lot 1*

No update. Construction continues on site.

*Stoneridge Lot 5*

No update.

*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.

*Fiddler's Elbow Warehouse*

The Developer has requested a reduction in the financial security. We will be completing the final completion inspection with LSTMA Staff in the coming weeks and provide a recommendation upon completion of all punchlist items, if any.

*Fulling Mill Road Warehouse*

No update.

*Kinsley Residential Subdivision*

No update.

*Oberlin Road LD-Triple Crown*

HRG received a revised sanitary sewer exhibit, updated easement legal description and exhibit for the proposed sewer easement on May 11, 2022. We are currently reviewing the easement exhibit and will provide a recommendation upon completion of our review.

*1801 Oberlin Road – 3 Lots*

No Update.

*Illuminated Integration*

No Update.

*Penn Preserve*

No Update.

Commissioner Paul noted that at a recent meeting out at the UPS site, it was unveiled the number of employees that will be on site is roughly three times the number that was originally presented to the Township. How does that translate regarding the sanitary sewer application that they purchased and was a meter installed to monitor their flows. Mr. Krauter replied that no meter was installed at the right-of-way line, but the Authority's Standards do require a metering manhole which has been installed, so a meter could be installed in that manhole. Mr. Krauter also noted that most of their flow from the facility will be going through their private pump station, where that flow can be recorded, but that would not capture the employment center at the front of the property.

**Municipal Authority Representative Report:**

Mr. Washinger noted that Mr. Cramer did buy the additional EDU's that was discussed a few months ago.

Mr. Washinger reported that on Donald Ave and Spring Garden Dr., there is a hole in our storm line which is causing some problems in that corner area. We have already repaired it twice, hopefully we can maintain it till that project is completed. Mr. Washinger also noted that Staff has been out in the Twelve Oaks development, flushing daily and inspecting the lines.

**MS4 Report:**

Mr. Davis thanked Ms. Letavic and Mr. Deck for coming out this evening and presenting the Conewago Creek Restoration and WREP to the Board. Mr. Davis indicated that the first two action items under his report tonight regarding the Conewago Creek Restoration and WREP. As mentioned earlier, the Board of Commissioners did table this item at their last meeting for a final decision at next month's meeting.

**Approve/reject the Water Resource Enhancement Program (WREP) for an initial cost of \$500.**

A motion was made by Mr. Popp seconded by Mr. Bailes to make the recommendation to the Board of Commissioners to move forward with the Water Resource Enhancement Program (WREP) for an initial cost of \$500. The motion was approved 3 to 1, Mr. Hartz opposing.

**Approve/reject the purchase of 120,000 lbs. of annual sediment reduction from the PennDOT/Turnpike Commission stream restoration project at a cost of \$234,000.00.**

A motion was made by Mr. Popp seconded by Mr. Hartz to approve the purchase of 120,000 lbs. of annual sediment reduction from the PennDOT/Turnpike Commission stream restoration project. (Rosedale Avenue Stream Restoration) at a cost of \$234,000.00. The motion was unanimously approved.



Approve May Expenses for Sewer Revenue Fund:

A motion was made by Mr. Hartz seconded by Mr. Popp to approve the May Expenses for the Sewer Revenue Fund in the amount of \$283,298.08. The motion was unanimously approved.

Approve May Expenses for Stormwater Fund:

A motion was made by Mr. Hartz seconded by Mr. Bailes to approve the May Expenses for the Stormwater Fund in the amount of \$16,546.38. The motion was unanimously approved.

A motion was made by Mr. Popp seconded by Mr. Hartz to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:13 P.M.

ATTEST:

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Tracey Bechtel, Recording Secretary

5-23-22

ORGANIZATION (IF APPLICABLE) OR ADDRESS

[illegible]