

**MINUTES**  
**LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY**  
**LEGISLATIVE MEETING – SEPTEMBER 26, 2022**

The September 26, 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
- Don Bailes
- Jim Diamond, Eckert Seamans
- Caleb Krauter, Engineer
- Brain Davis, MS4
- Ronald Paul, Commissioner, Liaison for Authority
- Tracey Bechtel, Recording Secretary

Absent: Scott Spangler, Vice Chairman

Residents and visitors in attendance: Lauren McDaniel, McNaughton Properties, L.P., Devon Cook, HRG (Zoom); see attached list for others in attendance.

**Public comments:** None

**Approval of Minutes:**

A motion was made by Mr. Popp seconded by Mr. Bailes to approve the Minutes of Legislative Meeting August 22, 2022. The motion was unanimously approved.

Approve/reject/table Special Purpose Fee for the Lumber Street Improvements Project.

Mr. Krauter commented that this is the special purpose tapping fee that has been discussed recently at the joint Board of Commissioners and Municipal Authority Meeting and is on the agenda this evening for the Authority to act.

A motion was made by Mr. Bailes seconded by Mr. Hartz to approve the Special Purpose Fee, in the amount of \$4,000.00 for the Lumber Street Improvements Project. The motion was unanimously approved.

Approve/reject/table Development Agreement between McNaughton Properties, L.P. and the Municipal Authority of the Township of Lower Swatara.

Ms. McDaniel explained that the impression they got from the joint meeting was that the special purpose fee would be set at \$4,500.00, which is the amount they proposed in their Development Agreement that is before the Board this evening. She indicated that they are obviously agreeable to the \$4,000.00 as opposed to the \$4,500.00 per unit, but they would like, if possible, to request approval of the Development Agreement this evening so they can proceed on settling on the property.

A motion was made by Mr. Hartz seconded by Mr. Popp to approve the Development Agreement between McNaughton Properties, L.P. and the Municipal Authority of the Township of Lower Swatara for the contribution of \$4,000.00 per unit to support the Lumber Street Interceptor Project. The motion was unanimously approved.

Approve/reject/table Improvement Guarantee reduction for Fiddlers Elbow Warehouse in the amount of \$362,193.00 reducing the Improvement Guarantee to \$0.00.

A motion was made by Mr. Popp seconded by Mr. Hartz to approve the Improvement Guarantee reduction for Fiddlers Elbow Warehouse in the amount of \$362,193.00 reducing the Improvement Guarantee to \$0.00. The motion was unanimously approved.

Approve/reject/table Financial Security Adjustment for FedEx Ground Harrisburg East-Parking Expansion in the amount of \$100,496.00 or 100% of the original amount for Stormwater.

A motion was made by Mr. Hartz seconded by Mr. Bailes to approve the Financial Security Adjustment for FedEx Ground Harrisburg-East Parking Expansion in the amount of \$100,496.00 or 100% of the original amount for Stormwater. The motion was unanimously approved.

Approve/reject/table execution of Wilsbach Distributors, Inc. Highway Occupancy Permit Application for the remaining sanitary sewer installation at Longview Road and Oberlin Road.

A motion was made by Mr. Popp seconded by Mr. Hartz to approve the execution of Wilsbach Distributors, Inc. Highway Occupancy Permit Application for the remaining sanitary sewer installation at Longview Road and Oberlin Road. The motion was unanimously approved.

Approve/reject/table Improvement Guarantee reduction for Stoneridge Lot 1 sanitary sewer in the amount of \$11,814.000, reducing the Improvement Guarantee to \$0.00.

A motion was made by Mr. Bailes seconded by Mr. Popp to approve the Improvement Guarantee reduction for Stoneridge Lot 1, sanitary sewer, in the amount of \$11,814.00, reducing the Improvement Guarantee to \$0.00. The motion was unanimously approved.

Approve/reject/table request of Developers, Mr., and Mrs. Clouser, that the period of the maintenance security letter of credit for the stormwater and sanitary sewer infrastructure being dedicated to the Authority for the Buddy's Run Development be set at 12 months from the date of the acceptance of the Dedication.

A motion was made by Mr. Hartz seconded by Mr. Bailes to approve the request of Developer, Mr., and Mrs. Clouser, that the period of the maintenance security letter of credit for stormwater and sanitary sewer infrastructure being dedicated to the Authority for the Buddy's Run Development be set at 12 months from the date of the acceptance of the Dedication. The motion was unanimously approved.

Approve/reject/table Resolution No. 2022-R-5 presented by the Solicitor formally accepting the offer of dedication by the Developers of the Buddy's Run Development of the stormwater and sanitary sewer infrastructure contingent upon receipt by the Authority of a maintenance security.

A motion was made by Mr. Mr. Popp seconded by Mr. Bailes to approve Resolution No. 2022-R-5 accepting the offer of dedication by the Developers of the Buddy's Run Development of the stormwater and sanitary sewer infrastructure contingent upon receipt by the Authority of a maintenance security. The motion was unanimously approved.

### **Engineer's Report:**

#### **Act 537 Planning**

The flow metering activities have been completed by ADS. The additional flow data for the pump stations and meter pits was supplied to ADS and is to be included in ADS's final report.

HRG is prepared to start the Planning activities upon receipt of the flow metering report, including completion of the remaining on-lot disposal system inspections. Our services are proposed to be on a time and materials basis, as requested by the Authority.

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

No update.

#### **2022 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 project is proposed to be bid in fall of 2022 with construction taking place early 2023.

#### **Lumber Street Interceptor Improvements Project**

HRG anticipates receiving the CCTV information in the coming weeks from the Authority. These videos will provide the needed details for us to provide the 30% design drawings for LSTMA's review.

#### **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).**

Construction for the second phase covering the rest of 217 Delmont Ave and Greenwood Circle restarted September 6, 2022, at 217 Delmont. The contractor is currently not on schedule to meet their Substantial Completion date due to unmarked utilities encountered during construction and having to investigate subsidence issues at Cockley Road believed to be from the abandoned waterline. 217 Delmont is near completion.

Nissley and Spring Garden Subsurface Utility Engineering results found 3 water line clashes and 3 gas line clash that cannot be resolved through engineering adjustments. We have met with the Veolia and pushed information to UGI for them to design and construct relocations of these utilities to allow us to complete the project.

**Schedule:**

Substantial Completion     September 30, 2022

Final Completion             October 28, 2022

**Rosedale Manor Stormwater Project**

DOLI is almost complete with the punch list items to prepare for final completion of the project. The site final inspection was performed with PADEP on behalf of PENNVEST on August 24, 2022, and they are recommending PENNVEST loan closeout.

**Bryn Gweled Infrastructure Replacement Project**

Coordination with Veolia is complete, and they have agreed to replace their line through our project and remove all the clashes identified for our preferred design of the new storm sewer system.

The GP-11 permit submission was made to PADEP on September 20, 2022, and it is now in review.

**2024 CIP Stormwater Improvement Project (Burd & Richard Storm Sewer Replacement, Lumber St Storm Sewer Replacement, Richardson Road Stream Restoration & Fiddlers Elbow Road Bank Erosion Repair)**

During a budget meeting with Township Staff on September 13, 2022, we have redefined what should be included in the second PENNVEST loan and have dropped the stream restoration on MASD and Hershey Creamery, as well as the stormsewer work on N. Union St. All survey is complete for the remaining sites and a proposal is being prepared for design, permitting, bidding, PENNVEST loan submission, construction administration and construction observation for this project. Also, since construction would occur in 2024, we have changed the name from the 2022 CIP to the 2024 CIP to align with anticipated construction.

**Hanover St and Meade Ave Stormsewer Repairs**

Wetlands Delineation and Survey work were completed for Meade Ave, and it is in survey post processing now. Design can commence after that is completed.

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

No update.

**Land Development Projects**

*Wilsbach Distributors*

Evans Engineering, Inc. prepared draft Highway Occupancy Permit for the sewer stub to be installed at Longview Drive and Oberlin Road.

*The Pond at Fulling Mill*

No Update to report. The Sewer Capacity Request Response was provided to the Developer on July 31, 2022.

*Hershey Creamery Expansion*

No update.

*UPS Northeast Hub*

A substantial completion punchlist was provided to the Developer for Phase 2, that included raising the sanitary sewer manhole frames, in accordance with the Authority Standards, and replacement of defective chimney seals. The Contractor continues to address the defective work items along N. Union Street as of August 17, 2022. The punchlist items have been corrected for Phase 2 as of September 21, 2022.

Construction continues on the N. Union Street Pump Station and paving around the building will be completed the first week of October.

*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*

The contractor has completed their responsibilities under the Authority's requirements. We provided the improvement guarantee reduction recommendation on September 22, 2022, which recommend the release of the remaining \$11,814.00.

*Stoneridge Lot 5*

No update.

*SBC Pennsylvania Building Expansion (2755 Spring Garden Drive)*

No update.

*Building #300 – Capital Logistics Center*

The Contractor has completed their responsibilities under the Authority's requirements. We provided the improvement guarantee reduction recommendation on August 10, 2022, which recommend the release of the remaining \$4,117.50.

*Star-Barn Duplexes*

No update to report.

*Campus Heights Village III*

No update to report. The Developer has requested a reduction in the financial security. We completed our inspection on July 20, 2022, and noted minor improvements required for reduction of the financial security. We will provide a recommendation upon completion of all punch list items and reinspection of the facilities.

*Fiddler's Elbow Warehouse*

The contractor has completed their responsibilities under the Authority's requirements. We provided the improvement guarantee reduction recommendation on September 2, 2022, which recommend the release of the remaining \$12,760.00.

*Fulling Mill Road Warehouse*

The contractor fixed the issue they had with the control manhole on August 30, 2022.

*Kinsley Residential Subdivision*

No update.

*Union Knoll (Formerly Oberlin Road LD-Triple Crown)*

HRG completed Plan Review No. 1 for Phase 2 and provided comments on August 2, 2022. We have collected needed elevations for the capacity review analysis spanning from manhole CC40 to CC2, that we will be able to provide in the coming weeks.

*1801 Oberlin Road – 3 Lots*

No Update.

*Illuminated Integration*

No Update.

*Penn Preserve*

No Update.

*Aberdeen Subdivision*

No update.

*Colony of Old Reliance*

At their August 22, 2022, Board Meeting the Derry Township Municipal Authority (DTMA) approved reimbursement of approximate half of the connections that were previously paid for by LSTMA, due to revisions of the proposed Land Development Plan. DTMA will reimburse LSTMA upon LST's approval of the revised Land Development Plan.

**Manager Report. (Liaison Commissioner Paul):**

**Approve/reject/table procedures to collect delinquent charges to all services billed through the Municipal Authority of Lower Swatara.**

A motion was made by Mr. Popp seconded by Mr. Bailes to approve the procedures to collect delinquent charges to all services billed through the Municipal Authority of Lower Swatara Township. The motion was unanimously approved.

Commissioner Paul noted the Capital Valley situation where they are currently using more EDUs than they actually purchased. We sent a letter to them regarding this because they should be coming in to submit plans in the near future and we want them to be aware that they do not have any EDUs remaining. Commissioner Paul also added that years ago they paid a special purpose fee for twenty-four units, where they are currently using twenty-seven, so do we want to worry about that additional \$3,000.00. We never gone after the special purpose fee in the past. So, we need to think about that as well.

Chairman Wilkinson stated that we need to pursue having them purchase the additional EDU's that they are using, we have other users that were required to purchase additional EDUs, so we need to be consistent.

Commissioner Paul recalled the conversation that he has with the Authority Board a few months back regarding the Agreement with Phoenix Contact. He noted that he did have a meeting with Mr. Ferguson about 5 weeks ago and Mr. Ferguson was going to look to see what he could find out on Phoenix Contact's side, but we have yet to hear back from him. With that said, we have concluded that nothing was ever pursued by our past legal counsel to get this Agreement in place. Commissioner Paul recommended that our current legal counsel start the documentation process to get this Agreement done.

**Municipal Authority Representative Report:** None

**MS4 Report:**

Approve/reject/table Resolution No. 2022-R-6 authorizing the undertaking of the Conewago Creek Restoration Project through the issuance of a \$472,000 Guaranteed Revenue Note, Series of 2022.

Mr. Davis indicated that this Resolution is authorization to continue moving forward with our participation in that project by taking out a DCIB-G Loan with the County and our legal team has reviewed this. Mr. Davis added that this loan is for 15 years and the interest rate of 1.74%. The project has been approved by the Lower Swatara Board of Commissioners and the Municipal Authority Board; this is now the financing portion for the project.

Mr. Hartz commented that he was not in agreement with this project from the start and he will vote against it just in the standpoint of the participation part in this project.

A motion was made by Mr. Popp seconded by Mr. Wilkinson to approve, Mr. Hartz and Mr. Bailes oppose the authorizing the undertaking of the Conewago Creek Restoration Project through the issuance of a \$472,000 Guaranteed Revenue Note, 2 to 2 vote, the motion is defeated.

**Approve September Expenses for Sewer Revenue Fund:**

A motion was made by Mr. Popp seconded by Mr. Hartz to approve the September Expenses for the Sewer Revenue Fund in the amount of \$139,934.95. The motion was unanimously approved.

**Approve September Expenses for Stormwater Fund:**

A motion was made by Mr. Popp seconded by Mr. Bailes to approve the September Expenses for the Stormwater Fund in the amount of \$36,123.43. 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 7:55 P.M.

ATTEST:

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Tracey Bechtel, Recording Secretary

PLEASE PRINT NAME CLEARLY 9-26-22

NAME \_\_\_\_\_

ORGANIZATION (IF APPLICABLE) OR ADDRESS

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