

**MINUTES**  
**LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY**  
**LEGISLATIVE MEETING – MARCH 27, 2023**

The March 27, 2023, 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 zoom.

- Richard Wilkinson, Chairman
- Scott Spangler, Vice Chairman
- Chester Hartz, Secretary
- Frank Popp, Treasurer
- Don Bailes
- Jim Diamond, Eckert Seamans
- Caleb Krauter, Engineer
- Brain Davis, MS4
- Scott Washinger, Municipal Authority Representative
- Zachary Border, Township Manager
- Tracey Bechtel, Recording Secretary

Residents and visitors in attendance: See attached list for others in attendance.

**Public comments:** None

Capital Valley EDUs: David Koratich, representative for Capital Valley Limited Partnership introduce himself and noted that he is here this evening regarding the number of EDUs that are allocated to each building in the Capital Valley Business Park along Oberlin Road/Kreider Dr. They are currently entitling the last two buildings in the business park Mr. Koratich recalled that back in 2000 there was a Capacity Reservation Agreement where Capital Valley contributed Twenty-Four Thousand (\$24,000) Dollars to the cost of Improvements in consideration for the Authority allocating twenty-four (24) Equivalent Domestic Units (EDUs) of sanitary sewage capacity.

Mr. Koratich indicated that in conversations with Mr. Burkholder, twelve (12) EDUs of the twenty-four have been allocated to one building, six (6) have been allocated to the other building, leaving six (6) left. He pointed out that only four (4) EDUs are being used between both buildings out of those twenty-four (24) EDUs. Mr. Koratich questioned, how did those EDUs get allocated to each of those buildings because they were under the understanding that those EDUs were for the entire Business Park not per building and if it is allocated to the building how we go about getting it reallocated.

Chairman Wilkinson commented that during the permitting phase for each building being built there is a calculation done to determine the number of EDUs needed based on what that building's use is. Once those EDUs

are purchased for that building you cannot transfer those EDUs to another building, even if your actual usage is lower.

Mr. Koratich also noted that on the two existing buildings there are deduct meters, which lowers the usage even more. Mr. Burkholder commented that the Township never knew anything about those deduct meters until they recently told us. Staff went out and looked at the deduct meters, got their calculations for what they used over the course of two years, and the math shows that both buildings are using about 2 EDUs each. Mr. Burkholder also noted that the Township has no knowledge of the operation of these meters or if they are working properly.

Mr. Koratich asked that in the event of their two new buildings, through the Reservation Agreement they have six (6) remaining EDUs, he splits three and three among the two buildings, then in three years from now, building four is using six (6) EDUs, does Capital Valley have to purchase those three extra EDUs, even if building one is only using two.

Mr. Krauter responded that yes, they would be required to purchase the additional three (3) EDUs. He explained that when the planning is done and submitted to DEP, there are very specific guidelines by DEP what must be used for certain facilities and DEP ultimately approves that. You must keep that with the building, if there is a change in use beyond that you would have to go through DEP, but you never deduct that planning review to reduce capacity then say you have EDU use available. DEP does not see it as something you can sell or trade, you purchase them, you can use up to that amount, if you go over then you must purchase additional EDUs and that stays with the facility. Mr. Krauter added for clarification that Capital Valley's reserved capacity goes with all the lands within the drainage basin in which Capital has an interest, but the EDUs that are bought are tied to that facility on the individual parcel.

To make sure he understands completely, Mr. Koratich restated that based on the reserved capacity agreement, they have used twelve (12) EDUs for building one, six (6) for building two, and six (6) still available. Mr. Burkholder acknowledged that is correct, but they can purchase additional EDUs if needed.

Commissioner Paul made one final comment that the Reserved Capacity Agreement for the twenty-four EDUs only had to do with the Lumber Street Upgrade, it had nothing to do with reserved capacity for buildings on those lots, Capital Valley contributed twenty-four thousand dollars, one thousand dollars per agreed unit, as per the special purpose agreement for the Lumber Street Upgrade.

Jeff Cross-2188 W Harrisburg Pike EDUs: Mr. Burkholder explained that this building has been in use since the 80's and it has one (1) EDU allocated to it. There is a residential area on the second floor and the 1<sup>st</sup> floor is office space. Since there are two uses to this building, residential and commercial, Mr. Cross is concerned that since he has five (5) businesses in the first-floor area, he would be responsible for purchasing 5 EDU's, one for each business. Mr. Burkholder noted that only one of those businesses is occupied daily and the other businesses are basically paper offices where it is just a physical address to run a business out of, no one is ever there. He is currently using 117 gallons of water a day for the commercial and residential units combined.

After further discussion and some questions, Mr. Krauter recommended that Staff and HRG research the original plan, since it goes back to the early 80s and report back to the Board next month.

**Approval of Minutes:**

A motion was made by Mr. Popp seconded by Mr. Bailes to approve the Minutes of Legislative Meeting February 27, 2023. The motion was unanimously approved.

Approve/reject/table the remaining balance of \$8,837.60 for Application for Payment No. 10F to DOLI Construction Corp. and approval of the final project close out documentation.

A motion was made by Mr. Bailes seconded by Mr. Spangler to approve the remaining balance of \$8,837.60 for Application for Payment No. 10F to DOLI Construction Corp. and approval of the final project closeout documentation. The remaining PPL issue has been resolved that resulted in a short pay of the application for payment at the Municipal Authority February 27, 2023, Legislative Meeting. The motion was unanimously approved.

Approve/reject/table Financial Security Adjustment #2 for Wilsbach Distributors, Inc.- Distribution Facility Sanitary Sewer Improvements.

A motion was made by Mr. Popp seconded by Mr. Bailes to approve Financial Security Adjustment #2 for Wilsbach Distributors, Inc.-Distribution Facility Sanitary Sewer Improvements, in the amount of \$25,598.79 from \$25,598.79, leaving a zero balance and releasing it in full. The motion was unanimously approved.

**Engineer's Report:**

Approved/reject/table authorization to submit the Chapter 94 Report to PADEP by the March 31, 2023, deadline.

Mr. Krauter noted that Staff just received this report this morning so they are currently in the process of reviewing it, so he would like to make this authorization contingent upon Staff approval.

A motion was made by Mr. Popp seconded by Mr. Spangler to approve the authorization to submit the Chapter 94 Report to PADEP by March 31, 2023, contingent on Staff approval. The motion was unanimously approved.

**Act 537 Planning**

HRG is working diligently to collect all the needed on-lot information in the Township and prepare notices for distribution. The ACT 537 Plan is anticipated to be completed in the fall of 2023.

**2023 Sanitary Sewer CIPP Lining Project**

The Project has been revised to include the sewer pipes within the Bryn Gweled neighborhood and remove the Capital Campus sewer interceptor, as requested by Authority Staff. Authority Staff have requested this project be included in a CFA Small Water and Sewer Project Grant Application.

Due to concerns with I&I in the Jamesway Pump Station sewer basin, the bidding has been put on hold while CCTV is being completed. Additional areas of the sewer system will be added to the project, as requested by LSTMA staff.

**Lumber Street Interceptor Improvements Project**

HRG prepared a Resolution for adoption by the Township following the county and tri-county approvals. Following submission and approval of the Act 537 Plan Special Study, the WQM Part II Permit will be submitted to PADEP. HRG completed the preparation and submission of the Commonwealth Financing Authority H2O Grant Application.

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

No update.

#### **Jamesway Pump Station Investigations and Analysis**

Authority staff continue to search for locations of direct I/I entry into the system to help the capacity issues in this area. The staff did identify a few bad manholes that are anticipated to be lined to help with the I/I issue. Due to planned land development within the sewer basin, Improvements are required for future connections. Buildout in the sewer basin is anticipated to be approximately 155 EDUs, based on current land development requests and LSTMA records.

#### **STORMWATER PROJECTS 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).**

The contract with JVI is waiting on finalization of the landscaping item on the punch list for 215 Delmont and Greenwood Circle and the contract can be closed. Both are expected to be resolved by Spring 2023.

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. Veolia and UGI have both prepared a plan to resolve these issues and plan for construction Spring/Summer 2023. This will allow us to be able to finalize the design and prepare this site for construction as early as Fall 2023 under a separate contract.

##### **Schedule:**

Substantial Completion	Issued December 6, 2022
Final Completion	October 28, 2022 - Expected now Spring of 2023

##### **Rosedale Manor Stormwater Project**

We have completed our review of their Application for Payment #10F along with the contract close out documentation. Both are on the agenda for the Legislative meeting in February for approval. The Board of Commissioners approved a short pay of this invoice at their February 15, 2023, meeting due to ongoing issues in resolving the PPL invoice for the light pole re-installation. We have been in touch with Tom Halma at PPL, and he was able to resolve this issue to release the Township of any obligation for this payment so the remaining short pay can be released. There is an item on the agenda to release the short pay amount and close out this project. A similar agenda item was approved by the Board of Commissioners at their March 15, 2023, Legislative Meeting.

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

We have finalized the additions to the project manual and bid materials of the sanitary manhole replacements that are being added to the contract. LSTMA approved us to go to bid at their February 27, 2023, meeting when these additions are finalized. The bid is going live on March 23, 2023. Expected construction is late summer/fall of 2023.

Substantial Completion	September 29, 2023
Final Completion	October 16, 2023

##### **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)**

We are finalizing our scope of work for the remaining design, permitting and PennVest phases of work for this project to keep this project on schedule.

#### **Hanover St and Meade Ave Stormsewer Repairs**

We have finalized the permit package for Meade Ave, and it was submitted to PADEP for review on November 16, 2022. We are finalizing the project manual and bidding materials for these two sites, including all supplied FEMA required bid components. LSTMA approved us to go to bid at their February 27, 2023, meeting. The bid is going live on March 23, 2023. Expected construction is late summer/fall of 2023.

Substantial Completion	August 31, 2023
Final Completion	September 29, 2023

#### **Woodridge Basin Tie-In Off of Spring Garden**

Eckert Seamans let us know that Woodridge received the local share grant announcement of February 22, 2023, that they would be receiving funds for this project. We will need to prepare a scope of work for field evaluation, design, bid preparation and construction support for this project. It is anticipated that LSTMA will manage the construction activities for both the Township and HOA components of this storm sewer replacement project. It makes sense to bid this project and the Nissley/Spring Garden replacement project together.

#### **Land Development Projects Update**

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

The sanitary sewer plan review #5 was returned to LSTMA on March 22nd with outstanding comments.

HRG completed their second plan review of the Zoning/SALDO/Stormwater Management on February 17, 2023. The Planning Commission tabled this plan at their February 23, 2023, meeting.

##### *Jednota South Warehouse*

HRG is currently working on plan review #2, that will be sent to LSTMA shortly.

##### *UPS Northeast Hub*

Construction punch list items are still outstanding at the new N. Union Street Pump Station. The contractor is still waiting for the utilities to complete their disconnections at the old pump station prior to demolition.

##### *William's Farm*

No update to report.

##### *Stoneridge Lot 5*

The work is completed and HRG is currently reviewing the project site, documents and drawings for the upgrades. HRG is scheduled to perform a financial security adjustment site walk and recommend an adjustment to the held financial security amount commensurate with the work performed to date.

##### *Campus Heights Village III*

No update to report.

##### *Kinsley Residential Subdivision*

No update to report.

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

No update to report.

HRG met with LSTMA and the Developer on November 30, 2022, to review the existing capacity against the current and projected sewage flow rates.

*1801 Oberlin Road – 3 Lots*

No Update to report.

*Illuminated Integration*

The sanitary sewer plan review #4 was returned to LSTMA on March 10<sup>th</sup> with outstanding comments.

The Planning Commission recommended this plan for conditional approval at their January 26, 2023, meeting and recommended approval of the waivers and conditional approval of the plan to the Board of Commissioners.

*Penn Preserve*

Construction is progressing on site.

*Aberdeen Subdivision*

The sanitary sewer plan review #3 was returned to LSTMA on February 17<sup>th</sup> with outstanding comments.

The Developer's Land Development Plan was tabled at the Planning Commission's February 23, 2023 meeting.

*Colony of Old Reliance*

The sanitary sewer plan review #2 was returned to LSTMA on February 20<sup>th</sup> with outstanding comments.

The Planning Commission tabled this plan at their February 23, 2023, meeting.

*UGI CNG Facility*

No update to report.

*Capital Valley Lots 3 & 4 Subdivision*

The sanitary sewer plan review #2 was returned to LSTMA on February 1<sup>st</sup> with outstanding comments.

The Planning Commission Recommended this plan for conditional approval at their February 23, 2023, meeting and recommended approval of waiver 1 and deferral of waiver 2.

*Wawa*

The sanitary sewer plan review #2 was returned to LSTMA on March 23<sup>rd</sup> with outstanding comments.

The Planning Commission tabled this plan at their January 26, 2023, meeting.

**Manager Report.** Mr. Border reported on an in-house meeting earlier this month to discuss reservation of EDUs. It was determined that a joint meeting between the Municipal Authority and the Board of Commissioners should take

place to continue this discussion, that special joint meeting is scheduled for Wednesday, April 5, 2023, at 6:00 P.M. at the Township Building.

**Municipal Authority Representative Report:** Mr. Washinger noted that he attended the Highspire meeting. They reported that they did get approved for the one-million-dollar grant, there are two other grants still outstanding, so it is possible they can get grant funding for the whole project.

Mr. Washinger reported that analysis was done on some of the sanitary manholes in the Bryn Gweld and we found eight (8) that will need replaced. The manhole repairs/replacement will be included in the bid for the stormwater project.

Mr. Washinger advised the Board on issues at the Middle School pump station where debris is getting into the pumps and blocking them up. Mr. Washinger is looking at getting a grinder in place and he will keep the Board updated.

**MS4 Report:** Mr. Davis stated that the 30-day public comment has passed for the Amendment for the Pollution Reduction Plan, and we received no comments from the public so no changes will be made to the proposed addendum.

Mr. Davis reported on the WREP seconded monthly meeting, this meeting was mainly focused on looking forward to items that may need to be addressed in the future permit term. The next meeting is tentatively scheduled on or around April 26<sup>th</sup> at Derry Township Municipal Building. Mr. Davis also indicated that he plans to host the May's meeting here at the Township Building.

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

A motion was made by Mr. Popp seconded by Mr. Spangler to approve the March Expenses for the Sewer Revenue Fund in the amount of \$309,692.54. The motion was unanimously approved.

**Approve March Expenses for Stormwater Fund:**

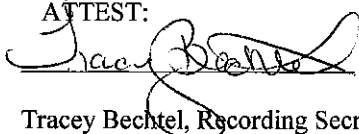
A motion was made by Mr. Popp seconded by Mr. Bailes to approve the March Expenses for the Stormwater Fund in the amount of \$336,333.92. The motion was unanimously approved.

**Old Business:** None

**New Business:** None

A motion was made by Mr. Popp seconded by Mr. Spangler to adjourn. The motion was unanimously approved, and the meeting adjourned at 7:46 P.M.

ATTEST:

A handwritten signature in black ink, appearing to read "Tracey Bechtel", is written over a horizontal line.

Tracey Bechtel, Recording Secretary

LOWER SWATARA TOWNSHIP  
MUNICIPAL AUTHORITY

Sign-In Sheet

Monday, March 27, 2023

PLEASE **PRINT** NAME LEGIBLY:

COMPANY NAME or RESIDENT:

1. Ron Burkholder

LST

2. Dan Mesel

Resident

3. Chris DeVant

LST

4. Roy Paul

LST

5. Ryan Cook

HKG

6. Todd Truntz

LST Liason

7. Jeff Cross

RES.

8.

9.

10.