

MINUTES
LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY
LEGISLATIVE MEETING – JANUARY 24, 2022

The January 24, 2022, Legislative Meeting of the Lower Swatara Township Municipal Authority was called to order at 7:00 P.M by Solicitor Diamond. Solicitor Diamond called for the pledge of allegiance. The record indicated the following in attendance in person or through Zoom:

- Chester Hartz
- Scott Spangler
- Frank Popp (Zoom)
- Don Bailes (Zoom)
- Elizabeth McBride, Township Manager
- James Diamond, Eckert Seamans
- Caleb Krauter, Engineer
- Scott Washinger
- Brain Davis, MS4
- Tracey Bechtel, Recording Secretary

Absent: Richard Wilkinson

Residents and visitors in attendance: See Attached Sheet

Solicitor Diamond acknowledge the appointment of Mr. Bailes to the Municipal Authority Board and welcomed him.

Solicitor Diamond called for nominations for Chairman of the Board. A motion was made by Mr. Hartz seconded by Mr. Spangler to nominate Richard Wilkinson as Chairman. Hearing no other nominations, the nominations were closed and the motion to appoint Richard Wilkinson as Chairman was unanimously approved.

Solicitor Diamond called for nominations for Vice Chairman of the Board. A motion was made by Mr. Hartz seconded by Mr. Popp to nominate Scott Spangler as Vice Chairman. Hearing no other nominations, the nominations were closed and the motion to appoint Scott Spangler as Vice Chairman was unanimously approved. The gavel was then turned over to Vice Chairman Spangler.

Vice Chairman Spangler called for nominations for Secretary of the Board. A motion was made by Vice Chairman Spangler seconded by Mr. Popp to nominate Chester Hartz as Secretary. Hearing no other nominations, the nominations were closed and the motion to appoint Chester Hartz as Secretary was unanimously approved.

Vice Chairman Spangler called for nominations for Treasurer of the Board. A motion was made by Mr. Hartz seconded by Vice Chairman Spangler to nominate Frank Popp as Treasurer. Hearing no other nominations, the nominations were closed and the motion to appoint Frank Popp as Treasurer was unanimously approved.

A motion was made by Mr. Popp seconded by Mr. Hartz to approve the reappointment of Herbert, Rowland & Grubic as Municipal Authority Engineer. The motion was unanimously approved.

A motion was made by Mr. Popp seconded by Mr. Hartz to approve the reappointment of Eckert Seamans as Municipal Authority Solicitor. The motion was unanimously approved.

Public comments: None

Approval of Minutes:

A motion was made by Mr. Hartz seconded by Mr. Popp to approve the Minutes of Legislative Meeting December 20, 2021. The motion was unanimously approved.

Solomon Cramer-Review of EDU usage.

Mr. Cramer address the Board and indicated they had put a new meter in at the end of September last year. The readings over the last 3 months with the new meter were 8 to 9 EDUs. Ms. McBride noted that Mr. Cramer had previously purchased 4 EDUs and she is requesting that he buy an additional 5 EDUs which will give him a total of 9 EDUs and for the Board to authorize her to send him a bill

A motion was made by Mr. Hartz seconded by Mr. Popp to require Cramer's to purchase an additional 5 EDUs for a total of 9 EDUs and for Ms. McBride to send him a bill and collect the money for those EDUs. The motion was unanimously approved.

Approve/reject/table Dedication of Storm Sewer and Sanitary Systems for Morgan's Run.

Solicitor Diamond indicated everything is in order, we have the executed notarized Deeds of Dedication, the bonds have already been posted we also have Bill of Sale which will not be recorded for the infrastructure in the streets, which is now owned by the Authority. He did pass out two formal Resolutions and recommended the adoption of these resolutions, one for the Storm Sewer and one for the Sanitary System.

A motion was made by Mr. Hartz seconded by Mr. Popp to approve Resolution 2022-R-1 Dedication of Storm Sewer Facilities and Easement from Craig & Brian Morgan, relating to the Morgan's Run Development. The motion was unanimously approved.

A motion was made by Mr. Popp seconded by Mr. Hartz to approve Resolution 2022-R-2 Dedication of the Sanitary Sewer Facilities and easement from Craig and Brian Morgan, relating to the Morgan's Run Development. The motion was unanimously approved.

Approve/reject/table authorizing payment to Spring Garden, LLC.

Solicitor Diamond indicated he prepared another formal Resolution for the purchase of a Permanent and Temporary Drainage Easement from Spring Garden, LLC, In Lieu of Condemnation and recommended approval from the Board.

A motion was made by Mr. Hartz seconded by Mr. Popp to approve Resolution 2022-R-3 authorizing payment in the amount of \$7,501.00 for the Permanent and Temporary Drainage Easements from Spring Garden, LLC, In Lieu of Condemnation. The motion was unanimously approved.

Approve/reject/table Sanitary Sewer Maintenance Guarantee Reduction for Penrac, LLC.

A motion was made by Mr. Hartz seconded by Mr. Popp to approve the Sanitary Sewer Maintenance Guarantee Reduction for Penrac, LLC in the amount of \$6,020.19, leaving a balance of \$0.00. The motion was unanimously approved.

Approve/reject/table Revised Change Order No. 2, under Contract No. 2018-01 Rosedale Drainage Improvements Project.

Mr. Krauter explained that Change Order No. 2 was approved by the Authority back in October of 2021. There was a small error on that change order which increased the total contract amount, that error was found so we cannot proceed with issuing that to PENNVEST. This Change Order is to rectify that error and we can precede with PENNVEST.

A motion was made by Mr. Hartz seconded by Mr. Popp to approve the Revised Change Order No. 2, under Contract No. 2018-01 Rosedale Drainage Improvements Project, including an increase of \$13,927.46 in contract price. The motion was unanimously approved.

A motion was made by Mr. Hartz seconded by Mr. Popp to recede the previous Change Order No. 2. The motion was unanimously approved.

Engineer's Report:

2019 Proposed Capital Improvement Projects

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. Contract has stated that they have requested the manufacturers to complete and inspection of the installed facilities.

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 Authority Staff are working with ADS to schedule flow monitoring between March 2022 and May 2022. 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 materials basis, as requested by the Authority.

Stormwater Authority Implementation Support Services

No update.

2021 Drainage Improvements

Project includes drainage improvements at 217 Delmont Avenue, Scarlett Lane, Spring Garden Drive by the Caterer, Swatara Dr and Penna Ave, Cockley Road Culvert Replacement, Nissley Drive at Spring Garden and Greenwood Circle Storm Discharge Repair. Nissley at Spring Garden and Greenwood Circle designs will be finalized with Scott Washinger and added to this project as a change order, along with revisions to 217 Delmont to tie the stormwater basin upslope of these lots into the storm sewer system. The easement for Spring Garden in front of the Caterer is on the agenda for the next LSTMA meeting for approval prior to final signatures to record that easement.

LSTMA approved our additional services retainer agreement at their October 25, 2021, meeting. Work continues on that additional work to be able to finalize the additional plans to be added to the contract via a change order for Nissley & Spring Garden, Greenwood Circle and the 217 Delmont revisions. So far Greenwood Circle permit package for the replacement of the endwall discharge to Burd Run has been prepared and is ready for submission to PADEP. Subsurface Utility Exploration has been scheduled for Spring Garden and Nissley but has been delayed due to inclement weather. It is expected to be complete by the end of January. We have finalized the design for 217 Delmont and provided revised easements for Township Staff and the Solicitor to negotiate with the landowners.

LSTMA approved the contract award to JVI Group, Inc. and they have returned the contract with the required bonding and insurance. HRG has reviewed the documents and recommends approval by the Authority, contingent upon review and approval by the Authority's Solicitor.

Rosedale Manor Stormwater Project

All wearing course pavement is complete and we are preparing a substantial completion certificate and punch list for Doli.

The final easement exhibit and design for the Hanover Street discharge has been sent to Highspire Borough for acceptance. They plan to review it at their meeting January 20, 2022. We are unsure if they will take action or table approval till next meeting.

Change Order #2 was approved at the September 27, 2021, LSTMA Board Meeting. We are also reviewing through additional claims for 2021 and working to finalize the change order recommendations for Word Change Directives 1 (storm sewer movement to middle of road to avoid PPL conflict), as well as field orders 3, 4, 5 and 6 (covers mill, binder and overlay of private parking spaces, Market Street Extended eastern and western expansion and Hanover Street from Mountain View to Rosedale Ave).

Schedule:

Substantial Completion	September 17, 2021 – Not Met
Final Completion	October 7, 2021 – Not on target.

2021 Sanitary Sewer CIPP Lining Project

No update. Project has been placed on hold until completion of the capacity analysis, including flow monitoring proposed for the Act 537 Plan.

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

HRG reviewed the Biosolids System Evaluation and Improvements Report, as prepared by RETTEW Associates, Inc. (RETTEW) and provided a Critical Review Letter on January 13, 2022. HRG also attended the HBA Board Meeting on January 20, 2022. During the HBA Board meeting, RETTEW provided a brief presentation on the information provided in the Report and HRG summarized the items in the Critical Review Letter.

Land Development Projects Update

The Pond at Fulling Mill (Retirement Community)

No update. Discussions on sanitary sewer improvements are on hold until the zoning exemptions requests are acted on.

Hershey Creamery Expansion

No update.

UPS Northeast Hub

A substantial completion meeting is anticipated to be held in early February 2022, weather dependent, to inspect the work completed at the UPS site and along N. Union Street. Upon completion of this meeting, we will provide a recommendation the reduction of the Letter of Credit for the storm and sanitary sewer work.

HRG continues to review the construction submittals to the Developer's Engineer and as authorized by the Authority. These are noted to be reviewed at the risk of the Developer since the PA DEP WQM Permit has not been received.

Construction at the UPS site and along N. Union Street continue. On November 28th, HRG notified the Developer's Engineer that the frame and covers of the sanitary sewer manholes within the N. Union Street right-of-way were not elevated in accordance with LSTMA Standards and must be corrected prior to final completion.

William's Farm

No update.

Buddy's Run Subdivision

No update.

PSU Meade Heights

No correspondence was received over the past month.

Stoneridge Lot 1

No update. Construction has begun on site.

Stoneridge Lot 5

HRG completed the review of the Developers Opinion of Probable Construction cost and provided out comments on December 28th and 29th to the Authority.

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. Developer's construction activities continue.

D&H Proposed Warehouse

No Update.

Fiddler's Elbow Warehouse

No update.

Fulling Mill Road Warehouse

No update.

Kinsley Residential Subdivision

No Update.

Morgan's Run

HRG has reviewed the easement plats and found no regularities that were provided to the developer's representatives. Upon dedication to the Authority, this land development project will be removed from this report.

Oberlin Road Townhomes

No Update.

Township Manager's Report:

Approve/reject/table appointment of Scott Washinger as LSTMA Representative

A motion was made by Mr. Hartz second by Mr. Popp to appoint Scott Washinger as LSTMA Representative. The motion was unanimously approved.

Ms. McBride requested a brief executive session immediately following tonight's meeting for legal reasons.

Ms. McBride reported that to date we have about \$680,000 of unpaid MS4 fees. That seems like a lot, but \$642,000 of this consists of five (5) properties; Airport, the Railroad, Penn State, the Turnpike, and PennDOT. Ms. McBride indicated that over the next few months for both delinquent MS4 and Sewer accounts, letters will be going out to residents notifying them that action will be taken if their account is not current, by either shutting off their water service or placing a lien on their property.

Municipal Authority Representative Report: None

MS4 Report: Mr. Davis reported that he was in contact with the homeowner of 215 Delmont Avenue to show him the plans for this project and they seemed please with the current version of the plan, it has a very low impact on their property and we are moving forward with the easement agreement.

Mr. Davis informed the Board in regard to the infiltration stormwater pits that all the homeowners are getting in the Buddy's Run development. Mr. Davis has been going out and inspecting those pits and in that process the contractor tried to convince him to use 4-inch pipe instead of 6-inch. Apparently, the Contractor had extra 4-inch piping and wanted to use that. When Mr. Davis told the contractor that he had to follow the plans and the ordinance that the Township has in place, the contractor went back to the Homeowners and tried convincing them that the Township changed their ordinance policies and he would have to charge the homeowners the extra money. Mr. Davis is now getting calls from these homeowners, which he has clarified that the Township has not changed any ordinance, we have been following the same rules that have been laid out by DEP since 2006.

Approve January Expenses for Sewer Revenue Fund:

A motion was made by Mr. Hartz seconded by Mr. Popp to approve the January Expenses for the Sewer Revenue Fund in the amount of \$217,198.72. The motion was unanimously approved.

Approve January Expenses for Stormwater Fund:

A motion was made by Mr. Hartz seconded by Mr. Popp to approve the January Expenses for the Stormwater Fund in the amount of \$40,692.15. The motion was unanimously approved.

New Business:

Ms. McBride noted that we received a letter from a Mr. Haggard, who lives in Mechanicsburg, but owns a rental property here in the Township. Ms. McBride read the following letter to the Board members.

I am writing this for consideration at your next board meeting on 1/24/2022. I am told that my question would need answered b the Board given the levity of the request. A few weeks ago, I received a letter in the mail from my tenant at Lakeside Drive. She included in that letter a bill from Lower Swatara for over \$500.00. She stated this was the first she had seen one of it's kind. Many years ago, I had set the bill to be paid through my bank, and it has been paid every month for years. However, the account was in my wife's maiden name, Runkle, which she has not been since 2012. I am not sure if that is what caused the mail forwarding service to not work correctly, but the results were shocking. For years, I have been unknowingly shorting the payment as the cost has gone up...Because I was making payments, nothing was ever done to my account in regards to turning off service or ensuring I was contacted. However, I have been accumulating late fees every month. The mail may or may not have been returned to you, but no other means of contact was ever attempted with me; which is understandable I suppose as you don't have time to make personal phone calls for every late bill. Given the circumstances, I am asking that the late fees be removed. I am happy to settle any balance immediately, but I do not believe in this

scenario I should be penalized. This in my only rental and I certainly understand my responsibility for the payment, but at any point had I known the account status, I can assure you I would have corrected the issue. Your consideration is appreciated.

The Board held a discussion and understands that the Landlord did not intentionally try to underpay his bill, but felt that relieving the late fees, it would set a precedent for future requests.

A motion was made by Mr. Hartz seconded by Mr. Popp to adjourn the meeting and convene to executive session. The motion was unanimously approved, and the meeting adjourned at 7:56 P.M.

ATTEST:

Tracey Bechtel, Recording Secretary

PLEASE PRINT NAME CLEARLY 1-24-22

NAME _____

ORGANIZATION (IF APPLICABLE) OR ADDRESS

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