

**MINUTES**  
**LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY**  
**MAY 18, 2020**

The May 18, 2020 Regular Meeting of the Lower Swatara Township Municipal Authority was called to order at 7:00 P.M by Chairman Wilkinson via Zoom. Chairman Wilkinson called for the pledge of allegiance. The record indicated the following in attendance:

- Richard Wilkinson, Chairman
- Daniel Magaro, Vice Chairman
- Chester Hartz, Secretary
- Scott Spangler, Treasurer
- Frank Popp
- Elizabeth McBride, Township Manager
- Peter Henninger, Solicitor
- Caleb Krauter, Engineer
- Madison Smith, MS4 Supervisor/Assistant to the Director of Public Works
- Tracey Bechtel, Recording Secretary

Residents and visitors in attendance through Zoom or by phone: (*\*\*Access links/phone numbers were listed on the Township's website prior to this meeting, and the names listed below are as they appeared on the conferencing service.*)

- Todd Truntz, LST Board Liaison
- Ron Paul, LST Board Liaison
- Chris DeHart, LST Commissioner
- Ron Secary, Snyder, Secary and Associates
- Mark Stanley, UPS Representative

**Public comments:** None

A motion was made by Mr. Magaro seconded by Mr. Hartz to approve the Regular Meeting Minutes of April 27, 2020. The motion was unanimously approved.

**Financial Security for the UPS Improvements on-site sanitary sewer utilities installation.**

A motion was made by Mr. Spangler seconded by Mr. Popp to approve the Financial Security for the UPS Northeast Regional Hub Improvements on-site sanitary sewer utilities installation, in the amount of \$2,455,092.16. The motion was unanimously approved.

Financial Security for the UPS Improvements-North Union Street sanitary sewer utilities installation.

Mr. Krauter indicated that there were a few changes made to this today, so because of those revisions the amount that is indicated on the Agenda for \$728,418.98 has changed to the amount of \$1,098,857.70.

A motion was made by Mr. Popp seconded by Mr. Spangler to approve the Financial Security for the UPS Northeast Regional Hub Improvements-North Union Street sanitary sewer utilities installation, in the amount of \$1,098,857.70. The motion was unanimously approved.

Commissioners Paul asked if the improvement from North Union Street is from the UPS project down to the pump station only. Mr. Krauter responded that this also includes parts of the force main replacement and all the force main and gravity pipes that are installed in North Union Street going both ways.

O&M Agreement (SWM BMP's) between BT-NEWYO, LLC and the Municipal Authority of Lower Swatara Township.

A motion was made by Mr. Popp seconded by Mr. Magaro to approve the O&M Agreement (SWM BMP's) between BT-NEWYO, LLC and the Municipal Authority of Lower Swatara Township for the UPS Northeast Regional Hub Improvements. The motion was unanimously approved.

Solicitor Henninger noted that the cost of the pump station is not included in either of the financial security agreements that the Board has previously approved. Mr. Stanley explained that one of things that was tabled at the Authority's last meeting was the form of the financial security agreement subject to the three opinions of the probable cost. Solicitor Henninger indicated he is fine with the format of the financial security agreement, the Authority just needed the figures in the agreement before approval.

Mr. Secary recalled that one of the things that was talked about at the last meeting was that this agreement would be in 3 parts to the sanitary sewer system. The first part being the on-site sanitary sewers, the second would be the off-site North Union Street sewer system and the third part would be the pump station. Action was taken on the first two, but we really could not finalize the design on the pump station until we finalized the collection system and most importantly the North Union Street portion of the collection system, which has been done and we are well into the design of the pump station. Mr. Secary expects to have the preliminary design for the pump station to HRG for their review in early June. He knew they would not have it for this evenings meeting, so in an effort to assign reasonable costs for the financial security that would be expected for the pump station, in view of the fact that the final design has not been reviewed and approved, there was a comparable pump station that was constructed about a year ago and the construction numbers for that was offered to us and a contingency of 50% applied above and beyond that to account for the fact that the final review for the design is not done yet. That number comes in the range of 2.3 million dollars. Mr. Secary indicated that they do not feel this would be the actual construction cost of the facility, but UPS has authorized him to confirm and commit them to financial security up to the amount of 2.3 million dollars towards the pump station.

Mr. Krauter added that HRG has bid a project within the last 9 months that is very similar to the capacity and the style of the North Union Street Pump Station. The total bid for the construction on that pump station was

just over the cost of 1.5 million. Therefore HRG is fairly confident that the North Union Street Pump Station will be around 1.5 million dollars for the construction of that pump station if the Authority were to bid that work. Mr. Krauter, expanding on what Mr. Secary had previously said, that normally if HRG would have the designs finalized in hand and approved them, they would put a contingency of 10% on that opinion of probable cost, which would be approximately \$130,000.00. Since HRG does not have those plans in hand and finalized that contingency is bumped up another 40% to cover the risk associated with the Authority. That's an additional \$620,000.00 which is a significant increase in order to cover the Authority in case something is added to the pump station. Mr. Krauter stated if the Authority Board would like to approve that financial security for the North Union Street Pump Station, HRG can revise this number once the plans are approved.

Solicitor Henninger suggested that the Authority could approve the financial security for the pump station in the amount of \$2,292,297.00. The point being, that if the design would come in more than that, UPS would have to post additional funds before they would get the permit to move forward with construction and if it would come in less than that with the 10% contingency they would ask for an immediate reduction.

Mr. Hartz recalled that at the Authority's last meeting a statement was made that in the next 7 to 10 days someone was going to contact Noah Kreider and have a meeting on this location on their property, has that meeting taken place. Solicitor Henninger responded that the meeting is scheduled for 11:00 AM on May 20, 2020. Mr. Hartz asked what happens if Noah Kreider does not buy into this location, what happens then.

Mr. Stanley stated that this was actually discussed at the Board of Commissioners meeting when they had the conditional final plan approval. The fallback plan, not the preferred fallback, would be to look at the existing site for the pump station.

Mr. Krauter responded to Mr. Hartz inquire that if this would happen there would be some additional cost to construct the new pump station on the existing site, but again this is why we have the 50% contingency which would cover either scenario if it would come to that.

A motion was made by Mr. Popp seconded by Mr. Magaro to approve the Financial Security for the UPS Northeast Regional Hub Improvements - North Union Street Pump Station in the amount of \$2,292,297.00. The motion was unanimously approved.

#### Supplement No.3 to the Agreement between Lower Swatara Township and HRG for Rosedale Drainage Improvements.

A motion was made by Mr. Hartz seconded by Mr. Magaro to approve HRG's Supplement No. 3 to the Agreement between Lower Swatara Township's Agreement and HRG for the Rosedale Drainage Improvements, to include the Municipal Authority of Lower Swatara Township as a co-signer to the existing Agreement and Supplements, in the net increase of \$0.00.

**Engineer's Report:** Mr. Krauter distributed the monthly written report.  
Change Order No. 1 under Contract No. 2019-01.

A motion was made by Mr. Magaro seconded by Mr. Popp to approve Change Order No. 1 under Contract No. 2019-01 for the replacement of the Cherry Ave Meter Pit; improvements to the Lumber Street Meter Pit; and Valve Replacement at the Jamesway Pump Station, in the amount of \$150,946.00. The motion was unanimously approved.

Change Order No. 1 under Contract No. 2019-02.

A motion was made by Mr. Spangler seconded by Mr. Magaro to approve Change Order No. 1 under Contract No. 2019-02 for replacement of the electrical control panels and associated work at Cherry Ave Meter Pit and Lumber Street Meter Pit, in the amount of \$37,900.00. The motion was unanimously approved.

Supplement to the 2019 Sanitary Sewer System Improvement Project Agreement.

A motion was made by Mr. Hartz seconded by Mr. Popp to approve supplement to the 2019 Sanitary Sewer System Improvement Project Agreement with HRG, for the Construction Administration and inspection activities associated with the Cherry Ave Meter Pit, Lumber Street Meter Pit, and Jamesway Valve Replacement, in a lump sum amount of \$10,760.00 for Construction Administration and a time and materials not to exceed amount of \$9,680.00 for RPR Services.

**2019 Proposed Capital Improvement Projects**

HRG conducted a preliminary Preconstruction Conference for Contract Nos. 2019-01, 2019-02, and 2019-03, on April 23, 2020. The Contractors under Contract Nos. 2019-01 and 2019-02 anticipate beginning construction activities in the coming weeks.

The NPDES Permit has been approved. 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. Construction is anticipated to start in the coming weeks.

As requested by the Authority at the April 27, 2020 Authority Board Meeting, HRG has prepared Change Order No. 1 for the Authority's consideration for Contracts 2019-01 and 2019-02 for the replacement of the Cherry Ave Meter Pit; improvements to the Lumber Street Meter Pit; and replacement of malfunctioning gate valves at the Jamesway Pump Station. Doli Construction, Corp, provided a construction cost of \$150,946.00 to complete the work under Contract No. 2019-01. A.N. Lynch provided a construction cost of \$37,900.00 to complete the work under Contract No. 2019-02. HRG has also prepared for the Authority's consideration a supplement to the Engineering Services Agreement in the amount of \$10,760.00 for the additional Construction Administration Services and \$9,680.00 for Resident Project Representative Services to oversee the additional construction activities.

**Act 537 Planning**

HRG continues preparation of the Plan. Work is temporarily on hold until 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.

### **Spring Garden Sanitary Sewer Replacement Project**

The Project Documents have been uploaded to PennBID. Bids are to be opened on June 4, 2020. If authorized by the Township, it is anticipated that the Notice of Award will be sent out in mid-June.

### **Rosedale Drive Storm Water Improvements**

HRG has prepared Supplement No. 3, of the Township's Agreement with HRG to design and oversee the construction of the Rosedale drive Storm Water Improvements, for consideration by the Authority. The Supplement adds the Authority as a co-signer to this Agreement and Supplement No. 1 & 2, as required by PENNVEST to complete the transfer of storm water assets from the Township to the Authority. Supplement does not include any change in contract costs.

### **Land Development Projects Update**

#### *The Pond at Fulling Mill (Retirement Community)*

Phase I – No update to report.

Phase II – No update to report.

#### *Hershey Creamery Expansion*

No update. Construction of this project is underway.

#### *UPS Northeast Hub*

Revised land development plans of the UPS Northeast HUB onsite facilities as well as North Union Street improvements were reviewed and comment letters were issued on May 18, 2020. HRG has also received construction submittals for the onsite sanitary and storm sewer facilities. In accordance with Township direction, HRG will not release submittal reviews until the associated land development plans are acceptable.

The Developer's Engineer submitted an Opinion of Probable Construction Cost for the UPS Northeast Regional Hub onsite facilities for this project for financial security. Based upon our review, we recommend that financial security in the amount of \$2,455,092.16 be provided for the sanitary sewer facilities for the UPS Northeast Regional Hub.

The Developer's Engineer submitted an Opinion of Probable Construction Cost for the UPS Northeast Regional Hub-North Union Street Improvements for the sanitary sewer facilities, which HTG reviewed and returned comments to the Developer's Engineer. We anticipate having the revised financial security amount finalized by the Authority's Board Meeting.

#### *William's Manor*

No correspondence was received over the past month.

#### *Buddy's Run Subdivision*

No update to report. Construction and testing of the sanitary sewer extensions is complete. The Developer has requested an improvement guarantee reduction, which HRG will prepare once CCTV data and Record Drawings are received from the Developer.

#### *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 update to report.

*Star-Barn Duplexes*

No update to report.

*Woodridge PH II Section 9*

No update to report.

*Campus Heights Village III*

No update to report. Construction of this development continues.

*Wilsbach Distribution Facility*

No update to report.

*D&H Proposed Warehouse*

No update to report.

**Solicitor's Report:** Solicitor Henninger reported that he had prepared a Resolution for the Board to take action on this evening which was included in their meeting packets, however based on the representation from Mr. Vogel from Ms. McBride that he has the signed and notarized documents, there is no purpose in adopting this Resolution this evening.

Solicitor Henninger informed the Board that on next month's Agenda there will be the Lumber Street Reimbursement Agreement.

**M.A. Manager's Report:** Ms. Smith reported on the MunciBid Auction for the 1989 Vac Con Combination Truck, the highest bid was in the amount of \$18,300.00 from Robert George. She is looking for the Board's approval for that bid along with authorizing Mr. Lanman or Ms. McBride to sign the title transfer on behalf of Lower Swatara Township Municipal Authority.

A motion was made by Mr. Magaro seconded by Mr. Hartz to approve the highest bid for the 1989 Vac Con Combination Truck in the amount of \$18,300.00 to Robert George and authorizing Mr. Lanman or Ms. McBride to sign the title transfer on behalf of the Lower Swatara Township Municipal Authority. The motion was unanimously approved.

Mr. Krauter reported on the two laterals that are being capped off on the D&H property. The one lateral is a private 8" sewer with four manholes that D&H was asking and proposed to leave connected to use at a future date. HRG told D&H that they would have to disconnect and physically cap it just to protect the Authority from future I&I as that private system deteriorates. There is also another lateral from a home on that property that will be

capped as well. There is a society that is looking at putting a museum and reconnecting to that lateral at a future date, so Mr. Lanman is working with them on that.

Ms. Smith indicated that 1<sup>st</sup> Catholic Slovak Union is requesting to defer the slip lining requirement for a period of time with hopes of putting in some sort of museum on the existing site. The museum may include a restroom if it is approved and goes through. Mr. Krauter added that Mr. Lanman is working with the Slovak Union to get an agreement that if they don't use the lateral by a certain date then they will have to come back and slip line that connection. Mr. Krauter asked the Board if they would like the agreement to state three (3) or five (5) years. The Board concurred that five (5) years seems like a reasonable amount of time.

**Township Manger's Report:** None

A motion was made by Mr. Spangler seconded by Mr. Hartz to approve the May expenses in the amount of \$278,357.33. The motion was unanimously approve.

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

ATTEST:

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Tracey Bechtel, Recording Secretary