

**MINUTES**  
**LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY**  
**May 24, 2021**

The May 24, 2021 Regular 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 (Zoom)
- Dan Magaro, Vice Chairman
- Chester Hartz, Secretary
- Scott Spangler, Treasurer
- Frank Popp (Zoom)
- Elizabeth McBride, Township Manager
- Peter Henninger, Solicitor (Zoom)
- Caleb Krauter, Engineer (Zoom)
- Brian Davis, MS4 Coordinator
- Tracey Bechtel, Recording Secretary

Residents and visitors in attendance in person or through Zoom:

- Todd Truntz, Commissioner
- Ron Paul, Commissioner
- Chris DeHart, Commissioner (Zoom)
- Scott Washinger, Public Works Manager
- Bruce Henry, LST Construction Code Official
- Brian Morgan (Zoom)
- James Messick, 1808 & 1810 Oberlin Rd

**Public comments:** Mr. Messick introduced himself to the Board and informed the Authority Board that his properties at 1808 and 810 Oberlin Road have sold and settlement will take place in the beginning of June 2021. The Authority Board had placed a lien on these properties and the total due to pay off the lien plus post lien charges total \$12,352.14. Mr. Messick asked the Board if they would consider giving him some relief from any of the charges on these properties. Mr Messick admitted that it is his fault due to his compassion for people who are down on their luck and they turned around and they didn't pay the sewer bill and most time they didn't pay the rent either, especially this past year due to the pandemic.

Chairman Wilkinson asked Solicitor Henninger when the Authority placed a lien on this parcel. Solicitor Henninger responded that the lien was placed in 2016, which was well before the pandemic, and there has only been one or two very minimal payments made since then.

After further discussion the Municipal Authority Board felt that if they would make an exception for Mr. Messick after all these years of non-payment, that would just open the door for other resident's to expect exception from paying their bill as well.

A motion was made by Mr. Magaro seconded by Mr. Hartz to deny relief of any charges for 1808 and 1810 Oberlin Road. The motion was unanimously approved.

**Approval of Minutes:**

A motion was made by Mr. Magaro seconded by Mr. Spangler to approve the Minutes of Regular Meeting April 26, 2021. The motion was unanimously approved.

Approve/reject/table Permanent Sanitary Sewer Easement and Right-of-Way Agreement for Sanitary Improvements - Byler Quarries, LLC and Union Middletown, LLC.

A motion was made by Mr. Popp seconded by Mr. Magaro to approve the Permanent Sanitary Sewer Easement and Right-of-Way Agreement for Sanitary Improvements between Byler Quarries, LLC and Union Middletown, LLC and the Municipal Authority of Lower Swatara Township. The motion was unanimously approved.

Approve/reject/table First Amendment to Permanent Easements Agreement for Stormwater Management Improvements - Union Middletown, LLC.

A motion was made by Mr. Hartz seconded by Mr. Spangler to approve the First Amendment to Permanent Easements Agreement for Stormwater Management Improvements between Union Middletown, LLC and the Municipal Authority of Lower Swatara Township.

Approve/reject/table Operation and Maintenance (O&M) Agreement Stormwater Management Best Management Practices (SWM BMP's) – Union Middletown, LLC.

A motion was made by Mr. Popp seconded by Mr. Magaro to approve the Operation and Maintenance (O&M) Agreement Stormwater Management Best Management Practices (SWM BMP's) between Union Middletown, LLC and the Municipal Authority of Lower Swatara Township. The motion was unanimously approved.

Approve/reject/table Application for Payment No. 05 – Rosedale Drainage Improvements Project to DOLI Construction Corporation in the amount of \$650,468.28.

A motion was made by Mr. Spangler seconded by Mr. Hartz to approve Application for payment No. 5-Rosedale Drainage Improvements Project to DOLI Construction Corporation in the amount of \$650,468.28. The motion was unanimously approved.

**Engineer's Report:**

**Discussion – Morgan's Run:**

Mr. Krauter noted that Brian Morgan is attending tonight's meeting via zoom to participate in this discussion. Mr. Krauter explained that this land development project was in the 2005/2006 time frame so it does predate his time at HRG so he is going by the best information he has and asked that Solicitor Henninger and/or Mr. Morgan to jump in if he is stating something that is not correct.

Mr. Morgan had a plan recorded in 2005 for the development of Morgan's Run. That construction was shortly after completed, with homes being installed years after that. In 2008 when the United States went through a recession many of the construction activities stopped during this time. In 2015 there was a substantial completion walk-through to review the storm sewers, sanitary sewer, and roadway improvements for dedication to the Authority and Township. There is a punch list from that inspection. Several of the punch list items were completed since 2015 and several of those items have not been completed at this time.

Recently, at the last Board of Commissioners meeting, Mr. Morgan requested that the road be dedicated to the Township and that all Letters of Credit be reduced to zero. The maintenance guarantee began for 18 months, it was at that time that some inspections were completed and it was found that several of the punch list items were not completed for the storm, specifically several repairs to inlets as well as record documents and record drawings. The Township did not accept dedication of the roadway. HRG did issue a notice to Mr. Morgan of a new set of punch list items for completion for the items outstanding, specifically for the storm and the sanitary sewer as those will be dedicated to the Authority before the Township will received dedication of the roadway.

Solicitor Henninger indicated that he spoke with Mr. Morgan earlier today and he forwarded him a standard format for the Deed of Dedication/Deed of Easement for the sanitary sewer and the stormwater. Solicitor Henninger did indicated to Mr. Morgan that he would add a set of plans, just to be sure that all of the proposed dedications are outside of the proposed roadway where we would need additional information from any property owners.

Mr. Morgan added that the list was pretty straight forward, but he was a little confused about getting this at the last minute, he just wants to let everyone know, it was about ten or eleven months ago when he came back to the Township to get this completed and started working with Ms. Hursh and Mr. Fabian from HRG about what he needed to do. He stated they were very helpful, they gave him a list of items, but it did not have the larger punch list items with the sewer and storm.

When Ms. Hursh indicated that he may have to do CCTV on the storm sewers since it has gone so long, he asked if there was something else he could do besides that because he was working on a deficit. He wanted to make sure the Township was happy with the work but also was there another option. They indicated that if he would flush the stormwater lines out that he would potentially not have to do the CCTV.

Mr. Morgan then worked with the Lower Swatara Township Fire Department Chief who sent over a tanker truck. Two full truck loads were pumped through the storm sewers lines to flush everything through to the stormwater detention pond. This was done prior to completing the work on the stormwater retention pond to get all the sediment out of there. Mr. Morgan indicated he gave the Fire Chief a donation to the Fire Department as his appreciation for all his help.

Mr. Morgan stated that he thought he had completed everything required, so his question is, given that he did that flushing, is it necessary for him to CCTV the stormwater lines. Mr. Krauter responded that he believes it was the Staff's understanding, that at that time the storm and sanitary sewers were already dedicated and accepted by the Authority and Township, so he will leave it up to the Authority Board if they want to forego the requirement that HRG recommended for CCTV of the storm lines.

Chairman Wilkinson commented that for the sanitary line, it is important that we get the video evidence on those lines. For the storm lines, if we flushed all the residual out recently, he would be willing to be more lenient because its flowing directly into the stormwater drainage basin and the main thing is we don't want sediment in there to help slow down the flow, so if we were able to accomplish that he could see where waiving the CCTV for the stormwater would make sense.

Mr. Morgan added that he did complete all of the repairs to the pargeting as required to the stormwater lines, those were completed before last Wednesday's Commissioner's meeting and has been inspected by Mr. Fabian who indicated the work seemed adequate for what needed to be done. Mr. Morgan indicated that he did address the pargeting and the issues they had with each of the seven locations on the stormwater lines. Mr. Krauter confirmed that all of that has been completed and inspected. Mr. Krauter asked Mr. Morgan if that flushing took place in 2019. Mr. Morgan indicated it took place somewhere between May and July of 2020, but he can go back in his records and give the Board an exact date.

Commissioner Paul inquired what items still need to be completed. Mr. Krauter replied that for the sanitary sewer, the vacuum testing for all the manholes, CCTV inspections of all the sewer mains, provide the Authority with as-built drawings, provide the legal and plats to the Authority for review and complete any repairs necessary to the system as needed by the Authority upon completion of the inspection documents. For the storm sewer, CCTV inspections of the sewers, which is now understood to be waived, the legal and plats for the Authority's review, it is HRG's understanding that the as built drawings have been provided and accepted and the repairs have been completed.

### **2019 Proposed Capital Improvement Projects**

Final inspections for Contracts No. 19-1 and 19-3 have been set up with LSTMA Staff to confirm completion of the final punch list items. Upon confirmation, the final closeout documents will be provided to the Authority.

HRG completed a substantial completion walkthrough with Doli Construction and LSTMA Staff on March 3, 2021 to review the work that was completed under Contract No. 2019-01. Construction was determined to be substantially complete and a substantial completion certificated was issued on March 16, 2021. Once the punch list items are

corrected by Doli Construction, and the requirements for final completion are met, we will issue the final Closeout Documents.

Doli Construction was on site on April 2, 2021 (Good Friday) when an alarm was triggered for a pump. Upon response by LSTMA Staff, it was found that Doli had damaged a sensor which tripped the alarm. LSTMA called Envirep, TLC to fix the repair which cost \$1,461.23.

The substantial completion date for Contract No. 2019-01 was extended from June 1, 2020 to October 23, 2020 with the approval of Change Order No. 2. Doli is scheduled to complete the final restoration in the coming weeks.

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**

LSTMA Staff are working with contractors to supply quotes for completing the flow metering of the sewer system, as discussed at the April 2021 Authority Board Meeting. Completion of the plan is temporarily on hold until the flow monitoring is completed, which is anticipated to be completed in the spring of 2021. We also anticipate completing the remaining on-lot disposal system inspections once it is safe to enter onto resident's properties. Our services are proposed to be on a time and materials basis, as requested by the Authority.

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

No Update.

#### **2021 Drainage Improvements**

Design includes drainage improvements at 217 Delmont Avenue, Scarlett Lane, and Spring Garden Drive.

Legal descriptions for the required easements were written and sent to the Solicitor on May 13, 2021 for incorporation in the final easement documents.

Scott Washinger has requested that we review the stormsewer at Spring Garden and Nissley for inclusion with this bid package as an addendum. Our surveyors can mobilize to the site to gather the necessary information to design the stormsewer replacement the week of May 24th.

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

DOLI continues to set inlet lid elevations, perform curb demolition for preparation for new curb and driveway apron installations, and has been installing new curb/apron/sidewalk/ADA ramps as outlined on the plan. Resident notifications on the Township website and Facebook page has occurred to alert residents of the upcoming curb work, as well as door hangers being distributed by the contract. This work has disrupted longer sections of roadway than the stormwater installation has to date, so there have been several resident complaints through the process that we have helped resolve.

DOLI has submitted four claims to incorporate changes to the plans to avoid utility conflicts that are currently under review with HRG. We recommended approval in part, and DOLI made revisions to the change order requests and sent them for our additional review. We reviewed additional information and issued new letters for each claim on April 21, 2021 with similar rejection comments. We had a call with DOLI office management April 28, 2021 to resolve this issue in a timelier manner. They have since resent their proposed changes on April 30, 2021 and we still have issues with what they sent not complying with the contract. We responded back to them on May 11, 2021 with what we need to see to be able to approve this. After our comments are addressed, these claims will be presented to LSTMA for approval.

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

HRG has completed half of the manhole inspections with the Authority Staff. We will continue the inspections in the coming weeks and will review the CCTV data once received, in preparation of the bidding documents.

#### **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*

HRG received a request from the developer's engineer to review a revision to the project plan. Revisions include a bypass that diverts flow around the proposed pretreatment plant for two weeks out of the year during cleaning of the Creamery. These revisions have been sent to DTMA for review and approval by the DTMA Staff.

##### *UPS Northeast Hub*

HRG staff participated in a preconstruction meeting with the Developer's contractor and LSTMA Staff. Minor clarifications were provided to the contractor about the existing N. Union Street Pump Station. Construction of the onsite sanitary utilities, N. Union Street and storm sewer facilities continues.

##### *William's Manor*

No Update

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

No update.

*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*

The Developer requested a reduction in the letter of credit (LOC) for the sanitary sewer facilities. HRG conducted an inspection of the existing conditions and a punch list of items were provided to the developer for completion prior to any reduction in the LOC. Once these items are addressed by the Developer, we will provide a recommendation to the Authority Staff.

*Campus Heights Village III*

No update to report.

*Wilsbach Distribution Facility*

Construction of this project is progressing. HRG received several submittals from the developer's engineer and have completed our review for compliance with the Authority Standards.

*D&H Proposed Warehouse*

No update to report. Construction of this project is progressing.

*Fiddler's Elbow Warehouse*

It was noted that revisions to the easement agreements were made but were not reviewed by HRG as the location of the easements or work proposed did not change.

*Fulling Mill Road Warehouse*

No update.

*Kinsley Residential Subdivision*

No Update.

*Morgan's Run*

HRG received notification that the Developer is requesting that the Township accept dedication of the private roadway which now has final wearing course installed. Dedication of the sanitary and storm sewers has not taken place following installation between 2005 and 2006. The Developer was notified that the required testing, improvements and legal documentation must be supplied to the Authority for consideration of the Board.

Commissioner Paul inquired in the Engineers report there was a reference to a repair cost of \$1,461.23 for something that Doli Construction had damaged, and asked if the Authority will be able to recoup that cost. Mr. Krauter confirmed that when the final application for payment to close out the contract and the final change order that is something that we are going to be including and providing to Solicitor Henninger for his review and recommendation to the Authority Board on that as part of the final change order.

**Solicitor's Report:** No Report.

**M.A. Manager's Report:** Mr. Washinger updated the Board with the work down at Penn State. They are hoping to finish up this work by this Wednesday or Thursday.

**Approve/reject/table purchase of a Frontier RC2060 Lift-Type Rotary Cutter.**

A motion was made by Mr. Magaro seconded by Mr. Spangler to approve the purchase of a Frontier RC2060 Lift-Type Rotary Cutter at a cost not to exceed \$2,500.00. The motion was unanimously approved.

Mr. Washinger reported that he has a meeting scheduled with ADS this Wednesday this is in reference to the Act 537 Plan that Mr. Krauter reported on earlier. He will be updating the Board on the comparison quotes in hopes to move ahead with the flow monitoring of the sewer system.

**Township Manger's Report:**

**Approve/reject/table authorization for Bruce Henry and Scott Washinger to conduct inspections on behalf of the Municipal Authority.**

A motion was made by Mr. Popp seconded by Mr. Magaro to approve authorization for Bruce Henry and Scott Washinger to conduct inspections on behalf of the Municipal Authority. The motion was unanimously approved.

**MS4 Report:** Mr. Davis updated the Board on two credit applications that he received this past month. One for Kreider Farms, agricultural credits and the other is a stormwater structural BMP credit for Red Rock LLC, located on Stoneridge Drive. Both have been approved and He will be meeting with a representative from Red Rock to sign



an O&M Agreement with us. Mr. Davis indicated there will be quite a few more credit applications coming in the next month or so that's all tied to the inspections of the BMP's.

Approve May Expenses for Sewer Revenue Fund:

A motion was made by Mr. Spangler seconded by Mr. Magaro to approve the May Sewer Revenue Fund expenses in the amount of \$788,722.42. The motion was unanimously approved.

Approve May Stormwater Fund expenses:

A motion was made by Mr. Spangler seconded by Mr. Hartz to approve the May Stormwater Fund expenses in the amount of \$55,243.30. The motion was unanimously approved.

Ms. McBride requested an executive session this evening to discuss a legal matter.

A motion was made by Mr. Spangler seconded by Mr. Hartz to adjourn the meeting and convene into executive session. The motion was unanimously approved and the meeting adjourned at 7:51 P.M.

ATTEST:

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Tracey Bechtel, Recording Secretary