

MINUTES
LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY
APRIL 27, 2020

The April 27, 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
- Frank Popp
- Elizabeth McBride, Township Manager
- Peter Henninger, Solicitor
- Caleb Krauter, Engineer
- Lester Lanman, Municipal Authority Manager
- Tracey Bechtel, Recording Secretary

Absent: Scott Spangler, Treasurer

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. Popp seconded by Mr. Magaro to approve the Regular Meeting Minutes of March 23, 2020. The motion was unanimously approved.

A motion was made by Mr. Magaro seconded by Mr. Hartz to approve the Special Meeting of April 9, 2020. The motion was unanimously approved.

Solicitor Henninger reported that he has reviewed the format of the Permanent Easements Agreement for Stormwater Management Improvement with Noah W. Kreider & Sons relative to the UPS project and HRG has

reviewed the proposed design of the right-of-way that is necessary. Solicitor Henninger added that Mr. Secary and Mr. Stanley are present this evening on behalf of UPS to talk more about the agreements but noted that this item and the other items on the Agenda related to the UPS project have not been presented to Noah W. Kreider and Sons at this point, which is why they all are conditioned upon execution by Noah W. Kreider & Sons.

Mr. Secary stated that they have prepared exhibit drawings and agreements for various easements that are necessary for construction for the UPS project. UPS has committed to reconstructing the entirety of the North Union Street from Fulling Mill Road up to their site. Most of the work being done is in the existing sixty foot easement but there are some places where that work would extend slightly beyond that, so we needed to get temporary easements from a group of folks in order to occupy their ground during construction. The permanent easements would allow the Township in the cases of stormwater and sanitary sewer that our outside the public right-of-way to have a permanent easement across those lands in their favor. Mr. Secary explained that they prepared a bunch of these, they were reviewed by HRG and Solicitor Henninger and the hope is to get approval for the ones on the Agenda this evening so they could get them executed by the land owner and can move forward on this project.

Mr. Krauter commented that HRG has reviewed the easements for correctness for shape of the easements and everything looked good, the one comment we wanted to make is for the pump station easement which is the second one on tonight's agenda, HRG has not received plans yet for this, we do not anticipate any change to the design, but if we did, that easement would have to be amended at that time.

Solicitor Henninger noted that there has been inquiries by a few Board members as to whether contact has been made with the Kreiders and are they amendable to these items.

Chairman Wilkinson recalled that approximately a year or so ago when we discussed the relocation of the new pump station it was decided that we would reach out to the Kreiders at that time. Miss McBride indicated that she had a conversation with Commissioner DeHart roughly four or five months ago and at that time, Kreider had not been notified yet. Commissioner DeHart responded that it was more like two to three months ago, because he happened to see Mr. Kreider and asked if anyone from the Township has contacted him and he indicated he was not contacted yet. Commissioner DeHart indicated that he did tell Mr. Kreider at that time that someone would be contacting him real soon and suggests UPS call him.

Mr. Stanley responded that from UPS representatives, himself and Mr. Secary, they were under the understanding from the Township and the Authority's perspective because the existing pump station is on the Kreider tract, that UPS was in charge of proceeding forward with contacting all of the other property owners from Fulling Mill up to the site and we have done a lot of work, working with Solicitor Henninger and Mr. Krauter for purposes of scope of exhibits and documentation. We have not reached out to Kreider because we were moving forward with the understanding because of the existing facilities and the replacement of the existing facilities that the Township was taking the lead with respect to the documentation.

Solicitor Henninger commented that he doesn't necessarily remember it that way but it's been well over a year, but in reality it should be a joint effort, assuming approval, going to Kreider and saying here is the design, here is what we are proposing to do, we're going to take that other pump station out of service and it will be dismantled.

Mr. Stanley indicated that they would be agreeable to that and explained that it is just difficult for a non-municipal representative to approach a land owner in a situation like this where there is an existing facility.

Chairman Wilkinson asked Solicitor Henninger how the Authority Board can approve/reject an easement agreement that one half of the party doesn't even know exists. Solicitor Henninger replied that he is fine with the document legally and HRG and Mr. Lanman are fine with the document engineering wise, therefore it would be conditioned upon Kreider agreeing.

A motion was made by Mr. Magaro seconded by Mr. Popp to approve Permanent Easements Agreement for Stormwater Management Improvements with Noah W. Kreider & Sons relative to the UPS project conditioned upon execution by Noah W. Kreider & Sons. The motion was unanimously approved.

Solicitor Henninger reviewed the Permanent Easements Agreement for Sanitary Sewer Improvements with the Board explaining that this easement shows the additional easement along and leading up to the new location of the pump station. Mr. Krauter further explained that HRG did review the easement, the shape of the easement is correct, the footprint of the easement as shown is based off of preliminary discussions with Secary & Assoc. what the pump station will look like. To date, HRG has not received or reviewed that plan. That plan is contingent upon improvements within North Union Street, the elevations, the gravity sewer, and make sure those things don't change before Mr. Secary finishes the pump station design and submits that to HRG. Mr. Krauter added that if there is anything that would change in the design of the pump station or the layout, this easement may have to change as well. We just can't confirm that the design is finalized.

A motion was made by Mr. Popp seconded by Mr. Magaro to approve Permanent Easements Agreement for Sanitary Sewer Improvements with Noah W. Kreider & Sons relative to the UPS project and new pump station conditioned upon execution by Noah W. Kreider & Sons, as well as conditioned upon no change in footprint and the North Union Street design not changing. The motion was unanimously approved.

Solicitor Henninger explained the format of proposed Temporary Construction Easements Agreement for Access, Construction, Grading and Seeding Purposes between Noah W. Kreider & Sons and BT-Newyo, LLC relative to the UPS project. This would just allow the extra needed space in order to construct the pump station and other sanitary improvements.

Mr. Hartz asked if there is a time frame when all of this is going to be discussed with Kreider. Mr. Stanley commented that he would like to discuss with Mr. Henninger after tonight's meeting and would like to establish a meeting with the Kreiders in the next week to ten days, plus with the action tonight that will give us the ability to review exhibits and leave copies with them and have them get back to us after their review.

Commissioner Paul asked for a point of clarification, as he recalls, the Authority was interested in a casing on the North Union Street to allow future flows to go from west to east to follow the stream. Has this been talked about? Mr. Secary advised Commissioner Paul that they have been in communication with HRG, UPS is more than willing to put such a carrier pipe under the structure to allow if ever there is a future gravity extension by the Authority, it's just a matter of the sizing. That is more of a long range planning item for the Township, so HRG is

assisting to determine what the appropriate size should be. UPS will be adding that to the plan and that will be part of the construction.

A motion was made by Mr. Hartz seconded by Mr. Magaro to approve the format of proposed Temporary Construction Easements Agreement for Access, Construction, Grading and Seeding Purposes between Noah W. Kreider & Sons and BT-Newyo, LLC relative to the UPS project. The motion was unanimously approved.

A motion was made by Mr. Magaro seconded by Mr. Popp to approve Municipal Authority of Lower Swatara Township Resolution No. 2020-R-3 Authorizing the Acceptance of Transfer from the Township of Lower Swatara of the Township's Stormwater System Assets, authorizing the Assignment and Assumption of a certain Commonwealth of Pennsylvania Pennvest Loan from the Township to the Municipal Authority, confirming the entry into a Management Agreement with the Township and authorizing the appropriate Officers of the Municipal Authority to execute all documents necessary to effect these transactions. The motion was unanimously approved.

Mr. Krauter reported to the Board on the Security Agreement between United Parcel Service and the Municipal Authority. He indicated that HRG has received the cost estimate and found it to be satisfactory for the UPS onsite work. HRG has not reviewed the North Union Street Improvement relative to the sanitary sewer nor have they received the pump station cost estimate.

A motion was made by Mr. Magaro seconded by Mr. Popp to table the Security Agreement between United Parcel Service, Inc. and the Municipal Authority of Lower Swatara Township due to the fact that the Authority does not have amounts for the three phases the Security Agreement specifies. The motion was unanimously approved.

A motion was made by Mr. Magaro seconded by Mr. Hartz to approve the conveyance of 4,557 GPD (21 EDU's) to Suez Middletown Water requested by D&H Distributing. The motion was unanimously approved.

Engineer's Report: Mr. Krauter distributed the monthly written report.

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 is anticipated to be received in the next few weeks. Once received, construction can begin on the Jamesway Pump Station and force main. If there are any further delays with the Permits, the Stop Work Notice discussed at the Authority's March 2020 meeting will be issued to the Contractor.

Middletown Management Associates plan to sign the permanent easement agreement with the Authority for the installation of the Jamesway Force Main, proposed to be installed across the Pinnacle Health property. Once received, HRG will coordinate delivery to the Authority.

HRG received the PennDOT form M-950 Consent of Fee Owner, signed by PSU, as required by PennDOT for the application of the Highway Occupancy Permit (HOP) supplement. This HOP is for the temporary rock construction entrance onto SR 230. PennDOT also requires that the Authority sign and submit with the HOP PennDOT Forms M-950IFO and M-950IC, as attached to this Report.

A motion was made by Mr. Magaro seconded by Mr. Popp to approve signature of PennDOT Forms M-950IFO and M-950IC for submission with the PennDOT Highway Occupancy Permit Supplement for the temporary rock construction entrance included in the Jamesway Force Main Replacement Project. The motion was unanimously approved.

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 finalized and HRG anticipates bidding this project in the coming weeks with authorization by the Township.

Lumber Street Sanitary Sewer Upsizing

No update. The sanitary sewer replacement has been completed. The Contractor's Application for Payment, including the \$25,368.03 for the sewer replacement, is anticipated to be sent to the Township in the coming weeks.

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 March 26, 2020. A resubmission of the land development plans for the onsite facilities was received on April 20, 2020 and are under review. We intend to have our review completed and letter issued prior to the meeting. 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.

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. HRG prepared Sewage Planning Module certifications for the Authority and SUEZ Middletown to take action on.

Mr. Krauter indicated that he had one additional question for the Authority. HRG has received multiple submittals for the onsite work for the UPS construction of the sanitary sewer. Speaking with staff, they have not reviewed those at this time because the document and the plans have not been recorded. HRG has been asked again to start reviewing those so that construction materials can be procured and construction can start. Mr. Krauter wanted direction from the Board, if this is something they would like HRG to move forward with if their comments do not affect these items or should HRG continue to wait to review these until the plan is recorded and all of our comments on the plan reviews are addressed.

Mr. Stanley pointed out that UPS is caught in that “chicken and egg” type of situation right now. In order to record the plan we need to get the final Agreements in place and the Board of Commissioner’s signatures on the plan. Obviously we want to move ahead. One of the agreements we have for the Board of Commissioners to act on is the Community Benefits Agreement in which we commit, at our expense, to construct the pump station. Therefore we would like to see if we could get placed on the Agenda for May 6, 2020 for purposes to get the final Agreements executed, getting the plan signed so we can get the plan recorded, if that is holding up any of Caleb’s work. This would allow us to do the final work on the building permit, the work on the foundation and start to do that work because we can’t do foundations and building till we get the plan recorded. Solicitor Henninger noted that you can’t

get the plan recorded till all the conditions of the conditional approval are met we understand. Solicitor Henninger added that he provided some additional comments on the Community Benefits Agreement because he and HRG haven't looked at it in over a year.

Ms. McBride noted that her preference is that this not go on the Board of Commissioner's Agenda for May 6th, since we try to keep the first meeting of the month a workshop meeting, it should go on the Legislative meeting two weeks later. Solicitor Henninger added that everything needs to be buttoned up before the Board will sign-off on the Agreements. As far as HRG's review, it would be up to the Boards to determine whether or not to authorize HRG to review construction plans in the advance of recording of the plans.

Chairman Wilkinson asked Solicitor Henninger if the Authority Board would be setting a precedent if we would allow HRG to provide the review now so UPS can move forward. Solicitor Henninger indicated that it would. Chairman Wilkinson indicated that he does not want to do that. We do this once, then the next project comes along and asks for the same thing and we won't have a leg to stand on.

Mr. Krauter stated that he has one more item for the Board. In talks with staff, they requested HRG take a look at the possibility of including two (2) additional meter pit replacements in the existing projects in contract that have been awarded and will be moving forward. Those two meter pits are the Lumber Street and Cherry Avenue. These are partial flume technology, these meter pits were looked at to be replaced when HRG and the Authority did the Capital Improvement Study back in 2016, but they were removed for budgeting reasons. Now that there is money the Authority did not use because bids came in lower, Mr. Lanman would like to replace or alter them so all of the flow meters will have the updated technology and be consistent throughout the Township.

Mr. Krauter noted that in one of Highspire's comment letters to the Authority and the Township that they deemed the Authority's Cherry Street meters to be faulty. That was not the case, but because it was a flume meter and when those flumes get backed up from overflow downstream then they do not operate correctly. The new technology does allow for a better reading during those conditions. HRG does recommend this and he is asking the Board this evening is if they would like HRG to prepare this Change Order and send it to the Contractor and then bring the cost estimate back to the Authority Board next month and at that time the Board can decide if you want to move forward.

The Authority Board authorized HRG to prepare the Change Order and bring the cost estimates to them at next month's meeting.

Solicitor's Report: Solicitor Henninger reported on the Spring Garden project. There are four (4) temporary easements required for this project. The easements have been prepared and staff will be receiving these tomorrow so they can go to those properties and get those easements from the property owners.

M.A. Manager's Report: Mr. Lanman noted that he is going to table the item that is on the Agenda under his report this evening in regards to the Preventive Maintenance Agreement.

Mr. Lanman reported that the new flush truck came in. Half the department was trained on how to operate it, the training happened while the department was working split shifts. He will be scheduling with A&H to get the rest of the department trained.

Mr. Lanman asked the Authority Board for permission to put the 1989 Vac-Con Truck on Municibid. All members of the Board were in agreement to list the old flush truck on Municibid.

Mr. Lanman advised the Authority Board that Wilsbach Distribution Facility which we had discussed back in February and it was approved to convey seven (7) EDU's. They had put in for a Planning Module Exemption and on April 3, 2020 DEP sent a letter back to their engineer that it has been denied. So now we have to go through the whole Planning Module process which he has been working with HRG to get that submitted.

A motion was made by Mr. Magaro seconded by Mr. Hartz to have Mr. Lanman sign-off on the long form of the Planning Module for seven (7) EDU's for Wilsbach Distribution Facility. The motion was unanimously approved.

Township Manger's Report: None

A motion was made by Mr. Magaro seconded by Mr. Hartz to approve the April expenses in the amount of \$737,211.88. The motion was unanimously approved.

Mr. Wilkinson noted that at this time the Municipal Authority Board will not be waiving the late fee on sewer billings. If circumstances arise in regards to non-payments due to the COVID-19, those situations will be handled on an as needed basis.

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 8:52 P.M.

ATTEST:

Tracey Bechtel, Recording Secretary