

**MINUTES**  
**LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY**  
**SEPTEMBER 28, 2020**

The September 28, 2020 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:

- Richard Wilkinson, Chairman
- Daniel Magaro, Vice Chairman
- Chester Hartz, Secretary
- Scott Spangler, Treasurer
- Frank Popp
- Elizabeth McBride, Township Manager
- Lester Lanman, MA Manager
- Peter Henninger, Solicitor (Zoom)
- Caleb Krauter, Engineer (Zoom)

Residents and visitors in attendance:

- Todd Truntz, LST Board Liaison
- Ron Paul, 2 Richard Ave
- Chris DeHart, 1506 Old Reliance Rd
- Brian Davis, LST MS4 Coordinator
- Bruce Hulshizer, HRG
- Doug Ferguson, Phoenix Contact
- Russell Kolacek

**Public comments:** Mr. Ferguson, Vice President of Operations for Phoenix Contact indicated that they did have a discussion with Ms. McBride last week in regards to the request to purchase additional EDU's for the overage that was used in June and July. Mr. Ferguson explained that it was a unique project that Phoenix was doing so Ms. McBride asked that we come to the meeting this evening to explain that situation to the Authority Board.

Mr. Ferguson added that he did want to make one point of clarification, Phoenix Contact was billed for the number of EDU's that they used and they did pay for all of that extra flow. The point in question now is, should we have to buy the additional EDU's to the maximum amount that we have flowed. Mr. Ferguson stated that they currently own 101 EDU's. They flowed an excess of between 200 and 400 equivalent EDU's in the months of July and August. He explained that they did a project in their energy plant where the cooling towers were 23 years old and needed to be upgraded and replaced. Phoenix submitted the project for all the required permits, which were approved. Once the cooling towers are installed there is a chemical process that needs to happen to prevent the cooling towers from corroding over time, which consists of filling the tanks, chemically treat it and then purge the contents. This purging process that took place was the cause for the extra flow. This process was completed by a

subcontractor of the subcontractor for the project. Mr. Ferguson stressed that at no time were they told there would be this excessive amount of discharge into the sewer system for this chemical process which takes roughly 6 weeks. This process only needs to happen this one time after the initial installation. Mr. Ferguson added that certainly if they would have known it would cause that much more above what they owned we would have alerted the Township.

Mr. Ferguson identified things that Phoenix has done over the past few years to improve their system and indicated that they have purchased additional EDU's over the years to meet previous spikes they had, as well as to cover for their building expansion. One of the things they did was install blowdown meters on all the cooling towers, so now if the cooling towers are dumping water, they will know it. In addition to that, the main sewer is now metered, they installed a new meter in conjunction with the Township and tied that meter into their building automation system as well.

Mr. Ferguson pointed out that on average Phoenix is well under 100 EDU's and Yes, they were well over the 100 EDU's for these two months, but if they were to buy the maximum EDU's that they hit during this time, he just feels that would be unfair because they will still only use 60 to 70 EDU's per month which is well under their original 100 EDU's they own.

Mr. Ferguson asked the Board for the leniency not to purchase the EDU's to the maximum amount of this one-time anomaly. Mr. Ferguson also noted that the meters that were put on the cooling towers to inform them of what is being discharged were taken off-line by the subcontractor during the process, which is another reason why they did not know how much flow they had.

Chairman Wilkinson commented that he was here the last time Phoenix came in after flowing in excess of their limit, and that Mr. Ferguson stated the same thing then, that it was a one-time thing and we are taking steps to improve our system. Now here we are four years later going through the same thing. Chairman Wilkinson added that we are a bulk account with Derry Township, their plant is size based on what we are telling them for flows, we can't afford to have two or three months of four times the normal flow. Chairman Wilkinson asked what fail-safe can be put into place so we don't have meters taken off line again, flushing or tank cleaning tasks that puts Phoenix in this same position again down the road.

Solicitor Henninger noted that the Municipal Authority is very lucky that it was a very dry summer and that the COVID-19 situation has many businesses with limited number of employees working right now, because we only have a limited number of capacity to the Derry Township Treatment plant and to his recollection it's about 10 extra EDU's. Basically all the flows are spoken for in Lower Swatara Township, because of the dry summer and COVID this did not put us in a surcharge situation with Derry Township which would have hit us hard financially.

Solicitor Henninger added that the other factor in the Municipal Authority's favor right now was the fact that Hershey Creamery and UPS has purchased additional capacity to Derry Township plant, but since they are not up and running yet we didn't have that flow, so again there were a lot of factors that kept us out of a surcharge situation. Solicitor Henninger reminded Mr. Ferguson that the number of EDU's needed is based on peak flows, not averages.

Mr. Ferguson outlined how Phoenix is going to try to not have this happen again by adding to their project checklist stormwater and sanitary sewer going forward.

Mr. Hartz thanked Mr. Ferguson for coming in this evening, he added that he hopes he understands that someone has to be held accountable for the extra flows to Derry Township.

Again, Mr. Ferguson emphasized that Phoenix Contact did pay for the excess flow that they discharged to Derry Township for those two months. Phoenix Contact will get things corrected on their end to try to eliminate these anomalies and make the Township aware of any increase event for a particular project, but to ask Phoenix Contact to purchase new EDU's that they won't flow other than this one time event, is unfair.

Chairman Wilkinson commented that his fear is two years from now when UPS and Hershey Creamery expansion are up and operating fully and we have another situation like this, Derry Township is going to say, enough is enough Lower Swatara, we're going to hit you with a surcharge.

Mr. Lanman explained how the Municipal Authority's connection with Derry Township is a little unique, we have a pump station that flows to the Derry plant, which is where our allotment to Derry is set from. That pump station can only flow a certain amount and we know that and that is a constant, that doesn't change till something like UPS happens and we upgrade the pump station. Another item to consider and is a concern for DTMA is they are looking at upgrading their plant. They came to us and HRG, and we have the 537 plan work, to try to project so DTMA knows how to size their plant upgrade to accommodate for future growth.

Mr. Lanman went on to explain the two different types of surcharges, one is a financial surcharge, which is an extra charge on your bill, and another surcharge is, too much water in a pipe. We're going to have water popping up through manholes, which leads getting into trouble with DEP.

Mr. Magaro asked if Phoenix Contact has any plans to expand again or do more upgrades to put us in this same situation once again in the next few years. Mr. Ferguson indicated that if the Municipal Authority would like Phoenix Contact to project out what they think or hope to be doing in the next 5 to 10 years he would be more than happy to provide that to Mr. Lanman.

Mr. Krauter wanted to comment on the fact that Mr. Ferguson suggested that 10 extra EDU's the Authority has with DTMA didn't seem to be enough. That is the main reason why the capacity is built by peak flows because we can't go off the averages because if all the companies in the area were to release all their peak flows at one time we would be significantly over what the sewer pipes and the treatment plant could maintain. Mr. Krauter also noted that for any projects like this in the future or what should have been done with this project, is come to us and say, we are releasing 400 plus EDU's, again there is no way for us to know what other companies in the area are going to be releasing so we would ask for or require Phoenix to use some type of storage or treatment to monitor the release of your current capacity. If you were unable to do that, that would be when the Authority would require you to purchase additional capacity.

Solicitor Henninger asked Mr. Ferguson if Phoenix Contact would be willing to consider entering into some sort of agreement that if you would surcharge in the future you would be willing to pay the surcharge on your flows or if the Authority would be in a situation with DTMA where we would have to buy additional capacity and we can relate it directly to your surcharge you would cover that cost as well.

Mr. Ferguson agreed that would seem to be a much more reasonable approach to take, that if DTMA were to charge LSTMA a surcharge for overflows that Phoenix Contact flowed, it would be passed along to them rather than Phoenix Contact spending the money on additional EDU's that they are never going to use in the future.

The Authority Board directed Solicitor Henninger, staff and Phoenix Contact to meet and come up with a draft agreement for the Board to review at next month's meeting.

A motion was made by Mr. Magaro seconded by Mr. Popp to approve the Regular Meeting Minutes of August 24, 2020. The motion was unanimously approved.

Review of Stormwater Credit Policy: Mr. Hulshizer reviewed the revised Credit Policy with the Authority Board.

A motion was made by Mr. Magaro seconded by Mr. Spangler to approve the amendments to the Credit Policy. The motion was unanimously approved.

Approve/reject Operation and Maintenance (O&M) Agreement between Middletown Area School District:

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

Approve/reject Operation and Maintenance (O&M) Agreement between LRRE, L.P. for Wilsbach Distribution Facility:

A motion was made by Mr. Magaro seconded by Mr. Popp to approve the Operation and Maintenance (O&M) Agreement Stormwater Management Best Management Practices (SWM BMP's) between LRRE, L.P. and Lower Swatara Township Municipal Authority for the Wilsbach Distribution Facility. The motion was unanimously approved.

Approve/reject Security Agreement between LRRE, L.P. and the Lower Swatara Township Municipal Authority for the Wilsbach Distribution Facility:

A motion was made by Mr. Magaro seconded by Mr. Spangler to approve the Security Agreement between LRRE, L.P. and the Lower Swatara Township Municipal Authority for the Wilsbach Distribution Facility in the amount of \$170,658.57.

**Engineer's Report:**

Approve/reject the Financial Security for Fiddler's Elbow Warehouse:

A motion was made by Mr. Popp seconded by Mr. Magaro to approve the Financial Security for the Fiddler's Elbow Warehouse for the sanitary sewer and storm sewer utilities installation, in the amount of \$362,193.00. The motion was unanimously approved.

Mr. Krauter noted that the only outstanding item for the Fiddler's Elbow Warehouse related to the sewer facilities is the gravity sewer easement that runs along the stream and railroad tracks and the difficulty is with elevation.

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

Construction continues under Contract No. 2019-01, 2019-02 and 2019-03. Work is expected to be completed under Contract No. 2019-03 in the coming weeks. Work is currently being conducted of the replacement of the four (4) meter pits under Contract No. 2019-01 and 2019-02. All construction is anticipated to be completed this fall.

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. 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. Our services are proposed to be on a time and materials basis, as requested by the Authority.

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

HRG has received and approved the construction submittals for the sanitary sewer work. Work is expected to begin once all easements have been received.

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

HRG, along with LSTMA staff, met with SARAA and PSU to discuss existing storm water facilities and the operations and maintenance activities need to maintain these facilities.

HRG also met with LSTMA staff to discuss the possibility to add an agricultural credit to LSTMA Storm Water Program Credit Policy.

### **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 has set up a meeting to review the proposed pretreatment plant design with Derry Township Municipal Authority and LSTMA staff.

#### *UPS Northeast Hub*

Construction of the onsite sanitary and storm sewer facilities is underway.

HRG attended a meeting with Suez, UPS, and Byler Holdings, LLC to discuss the alignment change to the proposed water main within N. Union Street.

*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.

*Wilsbach Distribution Facility*

No update to report.

*D&H Proposed Warehouse*

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

*Fiddler's Elbow Warehouse*

The Developer submitted Opinions of Probable Construction Cost for the Fiddler's Elbow Warehouse sanitary and storm sewer facilities, including \$12,760.00 for sanitary sewer facilities and \$349,433.00 for storm sewer facilities. Based upon our review, we recommend that the financial security in the amount of \$362,193.00 be provided for the sanitary and storm sewer facilities for the Fiddler's Elbow Warehouse.

HRG has reviewed the proposed alignment for the N. Union Street gravity sewer interceptor easement as provided by Byler Holdings, LLC. This easement would be provided to the Authority for future use in installing a gravity sewer that would replace the N. Union Street Pump Station. Our review and coordination of the alignment continues with Byler Holdings.

**Solicitor's Report:** Solicitor Henninger noted he has nothing to report on this evening, but would like to request an executive session immediately following tonight's meeting.

**M.A. Manager's Report:** Mr. Lanman informed the Board that work has started on Lumber Street and at Green Plains Pump Station. The meter station work is going really well.

The culvert project on Spring Garden Drive, just west of Lumber Street, will be starting. The detour signs have been put up and just a reminder there will be some sewer work involved with that project.

**Township Manger's Report:** Ms. McBride reported that she had a really neat zoom session last week in which Dauphin County is thinking of regionalizing certain aspects of stormwater management. If we decide to go that route, we would buy in at one of three levels depending on how involved we want to get. She indicated she still has a lot to learn about it, but wanted to make the Board aware.

A motion was made by Mr. Spangler seconded by Mr. Magaro to approve the September expenses in the amount of \$206,043.66. The motion was unanimously approved.

A motion was made by Mr. Magaro seconded by Mr. Spangler to adjourn the meeting and convene into executive session. The motion was unanimously approved and the meeting adjourned at 8:24 P.M.

ATTEST:

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Tracey Bechtel, Recording Secretary