

MINUTES
LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY
LEGISLATIVE MEETING – January 27, 2025

January 27, 2025, Legislative 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.

- Rich Wilkinson, Chairman
- Scott Spangler, Vice Chairman
- Chester Hartz, Secretary
- Don Bailes, Authority Member
- Frank Popp, Treasurer
- Caleb Krauter, Engineer
- Brain Davis, MS4
- James Diamond, Eckert Seamans
- Scott Washinger, Municipal Authority Representative
- Ron Burkholder, Codes Official
- Zachary Border, Township Manager
- Dominique Relei, Municipal Authority Secretary

Residents and visitors in attendance: See attached list for others in attendance.

Public comments: None

Reorganization:

Chairman Wilkinson turned the meeting over to Solicitor Diamond for the reorganization and to facilitate the nomination of the Chairman for 2025. A motion was made by Vice Chairman Spangler and seconded by Mr. Hartz to nominate Richard Wilkinson as Chairman for 2025. The motion was unanimously approved. The meeting was then returned to Chairman Wilkinson. Chairman Wilkinson inquired if there was a motion for Vice Chairman. A motion was made by Mr. Popp to nominate Scott Spangler, seconded by Mr. Bailes. The motion was unanimously approved. Chairman Wilkinson inquired if there was a motion for Treasurer. A motion was made by Mr. Hartz to nominate Frank Popp, seconded by Mr. Bailes. The motion was unanimously approved. Chairman Wilkinson inquired if there was a motion for Secretary. A motion was made by Mr. Popp to nominate Chester Hartz, seconded by Mr. Bailes. The motion was unanimously approved. Chairman Wilkinson inquired if there was a motion for Municipal Authority Engineer. Mr. Popp made the motion to appoint HRG, seconded by Mr. Bailes. The motion was unanimously approved. Chairman Wilkinson inquired if there was a motion for Solicitor of the Municipal Authority. Solicitor Diamond commented that the law firm of Eckert Seamans was being recommended. A motion was made by Mr. Hartz to appoint Eckert Seamans as Solicitor, seconded by Mr. Bailes. The motion was unanimously approved.

Approval of Minutes:

Approve/reject/table Minutes of Legislative Meeting December 23, 2024.

A motion was made by Mr. Popp seconded by Vice Chairman Spangler to approve the Minutes of Legislative Meeting December 23, 2024. The motion was unanimously approved.

Approve/reject/table Cost Share Request No. 6 to Highspire Borough Authority Biosolids Project Funding (PENNVEST) in the amount of \$74,290.44 for RETTEW Project No. 039742030.

Mr. Krauter, the Engineer Representative, commented that this is for the construction work, and according to their application for payment, it shows approximately 35% completion. Chairman Wilkinson inquired if this is for the screw pump. Mr. Krauter confirmed.

A motion was made by Mr.Hartz seconded by Mr.Popp, to approve Cost Share Request No. 6 to Highspire Borough Authority Biosolids Project Funding (PENNVEST) in the amount of \$74,290.44 for RETTEW Project No. 039742030. The motion was unanimously approved.

Approve/reject/table Cost Share Request No. 7 to Highspire Borough Authority Biosolids Project Funding in the amount of \$12,130.26 for RETTEW Project No. 039742029.

Mr. Krauter, the Engineer Representative, commented that this is for RETTEW's engineering services through December 27th of the previous year. Chairman Wilkinson inquired if there were any additional questions. As there were none, the board proceeded.

A motion was made by Mr.Popp seconded by Mr. Bailes to approve Cost Share Request No. 7 to Highspire Borough Authority Biosolids Project Funding in the amount of \$12,130.26 for RETTEW Project No.039742029.The motion was unanimously approved.

Approve/reject/table the Financial Security Estimate for both stormwater management and sanitary sewer in the amount of \$2,540,058.00 and sign the respective Financial Security Agreement for PC#2024-09 Stone Creek Meadows – Phase 1 (Final Plan).

Mr. Krauter, the Engineer Representative, commented that HRG reviewed the cost estimate and provided a recommendation agreeing with the cost estimate on December 17th, 2024. He inquired if the Solicitor had any comments. Solicitor Diamond stated that he did not.

A motion was made by Vice Chairman Spangler seconded by Mr. Hartz to approve the Financial Security Estimate for both stormwater management and sanitary sewer in the amount of \$2,540,058.00 and sign the respective Financial Security Agreement for PC#2024-09 Stone Creek Meadows – Phase 1 (Final Plan). The motion was unanimously approved.

Approve/reject/table entering an Operation and Maintenance (O&M) Agreement with DHK Residential, LLC for PC#2024-09 Stone Creek Meadows-Phase 1 (Final Plan).

Mr. Krauter, the Engineer Representative, stated that “they had no comments on this, as it’s a standard O&M Agreement.” Chairman Wilkinson inquired if it was indeed a standard O&M Agreement, to which Mr. Krauter agreed. Chairman Wilkinson then asked if there were any additional questions. As there were none, the board proceeded.

A motion was made by Mr. Popp seconded by Vice Chairman Spangler to approve entering an Operation and Maintenance (O&M) Agreement with DHK Residential, LLC for PC#2024-09 Stone Creek Meadows-Phase 1 (Final Plan). The motion was unanimously approved.

Approve/reject/table Application for Payment No.2 in the amount of \$217,382.84 to Mr. Rehab, LLC for the 2024 Sanitary Sewer System Improvements Project.

Mr. Krauter, the Engineer Representative, stated that this pertains to the ongoing CIPP Lining and CCTV Project, and that the work is now complete. He mentioned that they are hoping to receive the final adjusted change order tonight. However, the contractor has not yet provided all of the certified payroll and some of the administrative paperwork. As a result, \$3,000.00 has been withheld as retainage to allow for the completion of these requirements. Mr. Krauter recommended payment, contingent upon receipt of the necessary documentation. Mr. Hartz inquired if the withholding was due to the need to verify everything. Mr. Krauter clarified that yes, “the \$3,000.00 was being withheld specifically for the administrative paperwork.” Chairman Wilkinson then asked if there were any additional questions. As there were none, the board proceeded.

A motion was made by Mr. Hartz seconded by Mr. Bailes to approve Application for Payment No.2 in the amount of \$217,382.84 to Mr. Rehab, LLC for the 2024 Sanitary Sewer System Improvements Project. The motion was unanimously approved.

Engineer’s Report:

Mr. Krauter, the Engineer Representative, stated that he would like to mention that the AFP project is wrapping up, with grants covering up to 90% of the costs. He also mentioned that they are preparing and working with the staff to bid the Capital Campus improvements project, targeting March for the bidding process. Construction is planned to begin after the college’s summer break. There are still some final details to address with easements involving Penn State. Additionally, there is ongoing land development work. He inquired if the Board had any questions. Mr. Hartz noted that the pond on Fulling Mill Road seems to be progressing and looks much better. Mr. Krauter confirmed that positive improvements are taking place behind the scenes to address aging infrastructure. Chairman Wilkinson then asked if there had been any developments with Brook Meadow Farms. Mr. Krauter deferred the inquiry to Mr. Burkholder, who stated “that they had recently submitted a plan, which was sent to HRG for review.” The proposal includes a low-pressure sewer system. Solicitor Diamond remarked that the plan is fairly extensive. Mr. Hartz asked if Cathrine Hershey School was still planned to open this fall. Mr. Krauter mentioned that was the plan a few years ago, but he had not received any updates since then. He inquired if they were still working toward obtaining their occupancy permits. Mr. Burkholder responded that they hadn’t visited the site in a couple of months, but they must be getting close to that stage. As there were no additional questions for the Engineer, the Board proceeded to the Manager’s Report.

Engineer’s Report: Summary of recent activities performed on behalf of the Municipal Authority of the Township of Lower Swatara (Authority) from December 21, 2024 – January 22, 2025:

Act 537 Planning

The Project includes the review of the existing Act 537 Plan and taking into account the Township’s significant changes over the years. The Plan update includes a comprehensive township-wide approach for sewage facility

planning, evaluation of existing public sewage facilities, existing privately held sewer systems, and on-lot systems (OLDS).

We are coordinating with the Township SEO to include recommended changes and additions to the Township Ordinance. The Township Staff and HRG met with PADEP on September 5, 2024, to discuss feasibility and funding alternatives for public sewer needs areas. We are also revising the alternatives for the public sewer needs areas based on proposed land development and information provided by the Township and Authority.

2024 Sanitary Sewer CIPP Lining Project

This Project has been issued Substantial Completion and the Contractor is currently working on the punch list items. Application for Payment No.2 has been provided for the Board's review.

Lumber Street Interceptor Improvements Project

The Project consists of upsizing the current interceptor in and along Lumber Street for approximately 2,300 LF of 12" to 18" PVC pipping. The Authority has been awarded a CFA H2O PA Project Grant for this Project.

The WQM Part II Permit was issued on February 29, 2024. The Bidding Documents have been finalized and is ready to be advertised when approved by the authority.

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

No update.

Jamesway Pump Station Generator Installation Project

The Project includes preparation of drawing sheets and technical specifications for use in obtaining COSTARS quotes for material procurement and installation of a backup generator at the Jamesway Pump Station.

A COSTARS quote for the backup generator and associated equipment was approved by the Authority. Submittals have been received and are currently under review.

Capital Campus Interceptor Improvements Project

The Project includes the Capital Campus Sanitary Sewer Interceptor (Interceptor) improvements to provide additional sewer capacity in the interceptor for further land development in the area. Sags, deteriorated pipe, and minimal slopes were observed during the evaluation of land development capacity requests. The Authority has been awarded a CFA Local Share Account Grant for this Project.

All PA DEP permits have been received and we are currently completing final design for the Project.

2024 CIP Stormwater Improvement Project

Lexis group finalized and delivered their subsurface utility engineering report and we have reviewed it with the preliminary designs to start finalizing each site design to present a final plan for staff input before permit submissions are prepared, where applicable. The Lakeside Drive design has been revised and is being backchecked now and we started working on Burd/Richard/Nissley and Lumber St.

PADEP has rescheduled the pre-application meeting for Richardson Road for January 23, 2025. We will need to perform this pre-application meeting since this project proposes work within a stream.

Municipal Bond Projects (Sanitary and Stormwater Projects)

The bond successfully closed on September 4, 2024. We finalized the scoping for the Stormwater projects for it to be on the December LSTMA agenda, where it was conditionally approved pending solicitor review of the general

conditions. We are working through those general conditions comments now to resubmit for solicitor review to address their comments so far.

LAND DEVELOPMENT PROJECTS UPDATE

The Pond on Fulling Mill (Retirement Community)

HRG reviewed and provided all submittals and revised plans reviews on January 21, 2025.

Penn State Turf Field

No update.

Jednota South Warehouse

HRG has not received the as-built for this project yet for review.

Union Knoll (ONSITE)

The Board of Commissioners conditionally approved the land development plan at their March 20, 2024, meeting. They continue to work through the developer's agreement (approved to enter into agreement at the September 18, 2024, meeting), Highway Occupancy Permitting and sewer capacity issue to prepare the site for recording.

A Financial Security Option of Probable Cost was provided on June 10, 2024, and HRG reviewed and provided comments on July 17, 2024. HRG has reviewed and provided a Plan Review No.3 on November 4, 2024 but an updated Financial Security Option of Probable Cost was not provided as part of this submission.

HRG has reviewed and provided a Transportation Impact Study Review Letter No. 1 on October 16, 2024.

1801 Oberlin Road – 1 Lot

No update to report.

HRG has reviewed the provided a Plan Review No.1 on December 19, 2023. There are sanitary sewer comments that need to be addressed.

Illuminated Integration

Construction continues at the site.

Penn Preserve

Construction continues at the site.

Aberdeen Subdivision

The Highway Occupancy Permit submission was reviewed and additional comments were provided on January 2, 2025.

The updated plans dated October 20, 2023, were reviewed and responded to with Plan Review No. 4 on November 10, 2023. There are sanitary sewer comments that need to be addressed.

Colony of Old Reliance

No update to report.

HRG has reviewed and provided Plan Review No.2 on March 11, 2024. There are sanitary sewer comments that need to be addressed.

Wawa & Quick Serve Restaurant

Construction continues at the site.

MASD Elementary School

Sanitary Sewer Submittals were provided and HRG reviewed and provided reviews for all submittals on January 21, 2025. Construction has begun onsite.

Catherine Hershey School

Construction continues at the site.

Cramer Auto LDP

Construction continues at the site. They have requested a financial security adjustment on November 18, 2024, and we issued a letter on December, 10, 2024, with a recommendation for action at the December LSTMA meeting.

CVBP Lot 3 & 4 (REVISED)

Construction continues at the site.

PSU-Harrisburg ALC Chiller Building

This plan was also conditionally approved by the Board of Commissioners at their October 16, 2024, meeting.

Brook Meadow Farms

Plans were provided on July 24, 2024, and HRG reviewed and provided comments on August 28, 2024. This plan was tabled by the Planning Commission at their August 22, 2024, meeting and will be on the agenda for a future meeting.

Steelton Terminal

The plan was approved by the Board of Commissioners at their August 21, 2024, meeting.

Middletown Home

A Sketch Plan was provided August 29, 2024, and HRG reviewed and provided comments on September 16, 2024.

Stone Creek Meadows- Phase 1 (Final Plan)

HRG has reviewed and provided Plan Review No.5 and Financial Security Recommendation on December 17, 2024. This plan was recommended for approval by the Planning Commission at their September 26, 2024, meeting. The developer is working through remaining items to prepare the plan for recording.

Cramer Auto LDP PH II

HRG has reviewed and provided Plan Review No. 2 on December 17, 2024. There are sanitary sewer comments that need to be addressed.

The Borad of Commissioners at their December 18, 2024 Legislative Meeting approved to begin the formal process to vacate the 50.00 foot wide unopened Florentine Street Right-of-way on the property to allow the plan to move forward with the next steps of review.

Please feel free to contact me if you have any questions regarding this report or other items.

Manager Report:

Mr. Border stated that in early January, the staff toured the Middletown plant, which provided valuable insight into their operations, especially as they are undergoing upgrades. He also referenced a recent meeting with the DTMA staff to discuss the EDU issue and asked Mr. Burkholder to provide an update. Mr. Burkholder explained that DTMA regularly amends their agreements and had shared examples of how these amendments are handled. For instance, in South Hanover Township, they made 9 amendments, issuing a new one each time additional capacity was needed. He noted that our current capacity usage has exceeded 500 EDUs. Referring to a 2001 agreement, he pointed out that charges are based on actual usage and emphasized the importance of accurately tracking EDU usage. Mr. Burkholder suggested implementing a policy where EDUs must be used within 5 years. After this period, the status would be reviewed by the Board and recorded in the minutes. He concluded by noting that much of DTMA's current ordinance does not align well with the way our system operates. He explained that DTMA usually avoids taking capacity fees, but in our case, they must. For example, with the Old Reliance Development, they had to give back over \$200,000.00 when EDUs were returned. Similarly, with the Kreider development, we'll have to approach DTMA and request the amount of capacity needed and purchase it. Mr. Hartz inquired if this was for the new egg processing facility going in. Mr. Burkholder confirmed it was. Mr. Krauter, the Engineer Representative, inquired whether, when capacity is purchased from DTMA, the developer's EDU allocation would be revoked if they do not connect within the 5-year period, or if the EDUs are owned permanently. Mr. Burkholder clarified that this is why they need to make the system work; 5 years is a relatively short time, and they will need to approach DTMA to renew the capacity. However, DTMA would only approve a renewal for 2 years. Mr. Krauter commented that approval by the board would be contingent upon DTMA's approval. Mr. Burkholder confirmed that, yes, this is the case for Derry Township, but if it involves Middletown or Highspire, the decision would be at our discretion. Chairman Wilkinson suggested that we should keep it consistent across all three areas, and Mr. Burkholder agreed. Solicitor Diamond remarked that it's important to learn from the Jamesway situation. Mr. Burkholder agreed, mentioning that there are currently just two properties which need to address similar issues — for example, 44 EDUs at Linden Center and 82 EDUs at SARAA, but everything else has been addressed. Mr. Border added that DTMA has been easy to work with. Chairman Wilkinson concurred.

Municipal Authority Representative Report:

Mr. Washinger began by bringing the board up to date on the force main issue we had on Green Plains. He explained that the force main pipe was camera-inspected at the end, and they discovered that at the point where it enters the manhole and transitions into gravity, hydrogen sulfide gas had completely eroded the base of the pipe. As a result, it was deemed an emergency situation. Pipes are being ordered now, and a manhole is being created. They expect to begin replacing the manhole in about two weeks. Chairman Wilkinson responded with "Okay." Mr. Washinger continued, stating that they do not yet know the full extent of the issue. They plan to excavate about 5-10 feet of pipe to see if they can tie in there, but depending on the corrosion, the pipe may need to be altered. Afterward, they will line the manhole. Chairman Wilkinson inquired "if there was a coating that could be applied inside the pipe to stop the erosion?" Mr. Washinger explained that the newer pipe already has a coating in it. Chairman Wilkinson then asked if the last 50 feet of the pipe should be addressed. Mr. Krauter, the Engineer Representative, stated that Mr. Washinger had sent them a video of the pipe, which showed visible corrosion that was particularly severe in the first 5 feet. However, at 8-10 feet, the corrosion subsided, which is why they had identified that specific section for replacement. The rest of the corrosion was typical for a 50-year-old pipe. Solicitor Diamond mentioned that they had also been involved in the analysis to ensure that treating this as an emergency was legally appropriate. Initially, it didn't seem like it would be an emergency, but upon further inspection, it was clear that it was in immediate danger of collapse. Chairman Wilkinson asked whether the pipe was concrete or brick. It was confirmed that it was in fact a brick pipe. Mr. Washinger stated that was all he had unless anyone had any questions. With no further questions, the Board proceeded.

MS4 Report:

Mr. Davis updated the Board regarding the status of the WREP Program, stating that they had a monthly meeting for WREP in January and will start holding meetings at different municipalities, with Lower Swatara volunteering to host the first one. At the meeting, DEP will be in attendance. He also referenced a prior mention of his volunteering for a financial oversight committee for WREP, where they get to sit in on meetings where Tri-County discusses the financial aspects behind the scenes. It was insightful to see how the money is being allocated and how it translates into overall reports detailing how WREP has spent its funds. He then brought the Board's attention to the draft MS4 permit. While

not official yet, the draft is available for comments until mid-March, after which DEP will review all the feedback, make decisions, and create a final version that municipalities can apply for. He emphasized that the key components of the permit remain unchanged, such as the standards and MCM (Minimum Control Measures). There are minor changes regarding education targets, but overall, those will remain the same. The major change is the replacement of the previous Pollution Reduction Plan/Project, which aimed to reduce pollutants entering Chesapeake Bay through waterways, with a new term called Volume Management Plan (VMP). DEP is shifting its focus towards reducing the overall stormwater runoff that enters streams. This will mean a stronger emphasis on stormwater management practices like basin retrofits, infiltration bio-retention areas, buffers, and other measures to capture rainwater before it enters the streams. He further explained that the changes involve calculations with socioeconomic implications. The goal is to assign greater responsibility to wealthier townships for stormwater management. If residents in a township have a lower income, the requirements may be reduced, although there is no set formula for this yet. DEP seems to be considering the township's capacity to contribute. If a municipality partners with neighbors within the same watershed or county, they get a reduction in the amount they need to mitigate. For example, each member of the collaboration would receive a 1% reduction in their mitigation requirement. If all the municipalities involved sign on as co-permittees on the same project, they could get an additional 10% reduction. Mr. Davis mentioned that DEP encourages municipalities to collaborate, which might also lead to other benefits. Chairman Wilkinson inquired if there are other WREP programs in place. Mr. Davis confirmed that there are similar programs in Lancaster County and there were talks of one forming in Cumberland County. He added that there will be an MS4 group meeting on Friday, which he plans to attend, and other Tri-County representatives will be present to discuss the program. Chairman Wilkinson expressed a concern, stating that it seems the program could lead to unequal burdens based on the wealth of municipalities, possibly shifting responsibility to suburban areas and relieving cities. Mr. Davis explained that the municipalities fill out a questionnaire based on various factors, including the number of BMPs and residential income levels. Chairman Wilkinson mentioned that he would be interested in seeing how the calculations work out. Mr. Davis replied that they have compiled a list of questions to bring up at the meeting on Wednesday. Solicitor Diamond agreed with Chairman Wilkinson's concern, highlighting the issues around socioeconomic factors, engineering requirements, and the pricing components. He then asked if the 10% reduction could apply to two municipalities working together. Mr. Davis explained that when something is submitted, the primary permittee must be specified. In the past, Londonderry was the permittee, but now everyone would be on the same permit as co-permittees, rather than having one party pay while the other is a co-permittee. Solicitor Diamond asked if two co-permittees could get the 12% reduction and if another entity would need to be involved in WREP. Mr. Davis clarified that as long as both municipalities are within the same watershed or county, they don't need another entity involved. If they collaborate on the same project, they could receive the full 12% reduction. Mr. Davis also mentioned that WREP is working on updated mapping of BMPs to reduce stormwater runoff and mitigate pollutants. The MS4 permit is expected to be renewed in the fall of 2026, and a new project plan will need to be submitted by the fall of 2028, to be completed by the end of the project cycle in 2031. Additionally, a stormwater model update is scheduled for 2028. He concluded by inviting anyone with additional questions for DEP to let him know.

Mr. Hartz inquired whether an agreement had been reached with the airport regarding MS4. Mr. Border responded that it is still ongoing and is in litigation. Mr. Hartz asked what they were waiting on. Mr. Border explained that the latest update was that the airport had requested a pre-trial. Mr. Hartz asked if it was just the airport within the township. Mr. Border confirmed, noting that the PA Turnpike and other smaller state entities do not pay. The airport remains the biggest gap in the township's budget. Chairman Wilkinson asked if the Tinicum Township case had been resolved. Mr. Border stated that Mr. Hall has submitted for it and is waiting on West Chester to proceed. Mr. Hartz asked if the West Chester case was central to resolving everything. Mr. Border confirmed that it was. Mr. Hartz asked when this might be resolved. Chairman Wilkinson replied that it could be a matter of the next generation before it is fully resolved. Solicitor Diamond agreed, stating that these issues were created by the state. Initially, the state said they would voluntarily pay, but then they changed their position. This has led to complications as the case progresses to the Supreme Court level, impacting multiple parties. Chairman Wilkinson explained that the West Chester case may only allow fees to be collected going forward, not retroactively. Solicitor Diamond clarified that it's not necessarily a retroactive issue. Chairman Wilkinson noted that the situation had been ongoing for over 10 years. Solicitor Diamond explained that there are a lot of grey areas because West Chester is the Commonwealth of Pennsylvania. The airport is an instrumentality, but not directly part of the Commonwealth, which complicates matters. With no further questions, the Board proceeded.

Approve January Expenses for the Sewer Revenue Fund.

A motion was made by Mr. Popp seconded by Mr. Hartz to approve the January Expenses for the Sewer Revenue Fund in the amount of \$431,152.71. The motion was unanimously approved.

Approve January Expenses for Stormwater Fund:

A motion was made by Mr. Popp, seconded by Mr. Bailes to approve the January Expenses for the Stormwater Fund in the amount of \$52,808.11. The motion was unanimously approved.

Chairman Wilkinson inquired if there was any Old Business, or New Business. As there was none, he proceeded, stating there was not an executive session this evening.

A motion was then made by Mr. Popp, seconded by Mr. Hartz to adjourn. The motion was unanimously approved, and the meeting adjourned at 7:42 P.M.

ATTEST: 

Dominique Relei, Recording Secretary

**LOWER SWATARA TOWNSHIP
MUNICIPAL AUTHORITY
Sign-In Sheet
Monday, January 27, 2025**

PLEASE PRINT NAME LEGIBLY:

COMPANY NAME or RESIDENT:

1. Chris DeWalt

LST

2. Steve Acker

Res.

3. Roy Paul

LST

4. Todd Truntz

LST Liason

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____
