

MINUTES

NON-LEGISLATIVE MEETING – NOVEMBER 6, 2019

The November 6, 2019 Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt.

The following officials were in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Shawn Fabian, HRG
- Don Fure, Director of Codes & Planning
- Madison Smith, MS4 Supervisor & Asst. Public Works Director
- Jeff Vargo, Chief of Police

Residents and visitors in attendance: (PLEASE SEE ATTACHED SIGN-IN SHEET)

President Wilt welcomed everyone to the meeting, and announced that the Board had met in executive session tonight at 6:45 P.M. for personnel reasons. The floor was then opened for public comments.

PUBLIC COMMENTS:

Ed Halpern, 804 Nissley Drive, referenced the article in today's Press & Journal regarding the development at Nissley Drive and Fulling Mill Road. The article states that since 2007, 90-day extensions on the plan were granted 35 times. He asked if this is unusual. President Wilt stated time extensions are not unusual. Mr. Halpern also remarked that the article states that Ian Castaneira is quoted as saying they ran into issues with the banking situation and funding. He asked what bank that was. Vice President Truntz explained that the issue between Mr. Castaneira and the bank is a private matter, not a Township one. Mr. Halpern stated the article also indicates that the Commissioners granted conditional approval on Phase 2 in July 2018. The plan received conditional approval but the developer never addressed the

comments of Ann Hursh, Township Planning & Zoning Coordinator. Apparently Ms. Hursh stated that it is not uncommon for plans to be approved before meeting all the conditions because it sometimes takes longer for some of them to be addressed. Mr. Halpern stated he does not understand any of this. Solicitor Henninger explained that the plan does not get recorded and nothing gets put into the ground with a conditional approval. He explained it is not unusual to grant conditional approvals when waiting on approvals from outside agencies. For example, if DEP is holding up a process, the Board cannot deny a plan based on the fact that it does not have the DEP approval. The plan could be approved conditioned upon getting that approval. Oftentimes banks, in order to provide financing, want to see a conditional approval. Most all plans do require a conditional approval. Solicitor Henninger further explained that this particular plan was proposed in 2007, and the real estate crash of 2008 had a huge impact on it. He agreed that 35 time extensions is unusual, but a lot of that was driven by the economy. Mr. Halpern also questioned the statement in the article from the realtor expressing interest in having a bank lease the space at the corner of Nissley Drive and Fulling Mill Road. It also mentioned the possibility of other spaces being occupied by a medical office or coffee shop. He asked if this is zoned for these uses. Commissioner Davies confirmed that it is a Commercial-Neighborhood zoning on this strip. Mr. Halpern stated that as a homeowner on Nissley Drive, he can verify there is enough traffic here already. Employees of TE Connectivity use Nissley Drive to go to and from work. There is enough development here already, and Mr. Halpern expressed his opposition to more. While development may bring more revenue to the Township, the question is what it will do to the value of the homes here. He asked that the Board consider his concerns. Mr. Halpern also questioned if apartments can be built on the Williams' farm. Commissioner Paul explained the current Residential-Agriculture zoning would require single family homes on one-acre lots.

Elizabeth Malpass, 2047 Market Street Ex., provided the Board with a letter requesting the Township purchase her home due to the continuing flooding of both her property and now her home. She explained that she is fearful for her family's safety after seeing the amount of water seeping into her home. Ms. Malpass explained she is unable to relocate outright and has been waiting for resolution to this situation. She has been supplying the Township videos and pictures for years regarding the problems she has been facing. The longer nothing is done, the worse a situation becomes. Ms. Malpass noted she is making this request as a result of a worsening situation that was caused by previous action and inaction of the Township at her

family's expense. She showed the Board the latest photos and videos of the water flowing through her home and the street. Again, she stressed that she has been seeking help from the Township since 2011. Ms. Malpass also showed photos of where some of the trees and a fence were removed by the contractor. She added that there was never any communication from HRG or official notification from the Township telling her they would be out to cut the trees or drop off equipment. Rocks that were placed to divert the water flow seem to be ineffectual. She added that from previous Township interaction, she knows that there are now large rocks in the drain as well as the tree roots. She was recently told by the Public Works Department that there is no way to get those rocks out without heavy duty equipment, and even that might not work. In response to a question from Ms. McBride, Ms. Malpass noted that her neighbor also had flooding in 2016 which resulted in the neighbor's foundation shifting.

Shawn Fabian, HRG, reported that the piping and concrete inlet structures are now on site. Trees were removed and partially chipped and piled up. They expect to be able to mobilize the site within the next week or two to do the excavation, install the piping, remove the current piping and manhole structure, and install these inlets which should help with some of the clogging issue. Ms. Malpass asked where this leaves her, with water in her house and possibly black mold. Solicitor Henninger stated these are legal concerns. Ms. Malpass again respectfully asked that the Board consider her offer. Vice President Truntz requested that staff keep Ms. Malpass apprised of what is going on. Ms. McBride confirmed that she will be the point person for this communication.

Commissioner Paul added that one of the major problems back there is the underground utilities that are buried along the property line. This is probably making a quick fix virtually impossible. He asked Mr. Fabian the status of the utility relocation for this project. Mr. Fabian confirmed that the contractor did run the Complex 1-Call for the entire site, so everything is marked for the project. The water line upgrade project is also being marked out. He agreed that it will be a complex installation for that double inlet system because of all the utilities there. Ms. Malpass stated that in her defense, she has been in communication with the Township for eight years about these issues, so it will not be a quick fix anyway. She has been patient and understanding but is out of options at this point.

PRESENTATION OF CERTIFICATES OF APPRECIATION:

President Wilt, on behalf of the Board of Commissioners, presented Certificates of Appreciation to the founding members of the Lower Swatara Township Historic Preservation Society, Nancy Avolese and Ruth Shireman. Ms. Avolese added that it was a team effort that also included Bill Leonard, Joann Harter, and Carol Siegfried.

Certificates of Appreciation were also presented to those involved in the restoration of the Stoner Cemetery. Recipients were Ben Hall, Keith Gutshall representing the Keystone Mountain Lake Carpenter's Union Local 431, and Representative Thomas Mehaffie. Mr. Hall added this was a group effort which promoted team work in the community. Mr. Gutshall agreed, and noted the team of carpenters worked together and never complained. Representative Mehaffie explained he had approached Mr. Gutshall about this project, and was told that Keystone Mountain Lake Carpenter's Union donates two Saturdays a year for community assistance. Through this group effort, the project was undertaken. Representative Mehaffie also thanked his staff, and the Police Department, including Officer Heckendorn who attended the ribbon cutting ceremony.

UPDATE ON 2012 BOND REFINANCING

Jay Wenger of Susquehanna Group Advisors reported on the 2012 bond refinancing and provided a summary statement. Net present value of savings is \$173,491 or 3.19%. Mr. Wenger reminded the Board that it had set a target of 3% to move forward. It was a very challenging market to reach that threshold, but RBC did a fantastic job on the Township's behalf. The Township's credit rating was also an important factor; Mr. Wenger congratulated the Board's financial management over many, many years.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Minutes of the October 16, 2019 Legislative Meeting. The motion was unanimously approved.

COLLECTIVE BARGAINING AGREEMENT

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the Collective Bargaining Agreement of January 1, 2019 to December 31, 2021 between the Lower Swatara Township Board of Commissioners and the Teamsters Local 776 affiliated with the International Brotherhood of Teamsters, effective November 6, 2019. A roll call vote was taken with the following ballot tabulation: Commissioner Davies – aye, Commissioner DeHart – aye, Commissioner Paul – aye, Vice President Truntz – aye, President Wilt – aye. The motion was approved by a 5- 0 margin.

PLANNING AND ZONING DEPARTMENT REPORT:

Mr. Fure reported work is underway on both the Hershey Creamery and the Campus Heights projects. Site work is almost done for Buddy’s Run, and the Township is getting an application this week for a new house. Mr. Jenakovich sent out approximately 45 “tree limb over roadway” notices. The Township is receiving about 50% compliance right now. Vice President Truntz asked how much time is given the homeowner to comply. Mr. Fure explained that thirty days is given, but the Township is always willing to work with homeowners as long as the timeframe is reasonable.

The Planning Commission meeting on November 21 will include a Special Exception request for DHK (D&H Jednota property) for a height Special Exception to exceed maximum building height of 40’. The Zoning Hearing Board meeting on November 13 will hear a Variance request for Campus Heights III requesting a revision to the previously granted Variance for minimum yard setback. The December 11 Zoning Hearing Board meeting will include the Special Exception to exceed building height of 40’, after the Planning Commission makes a recommendation, and a Variance to reduce the required number of parking spaces on the site. Solicitor Henninger stated that he would like to discuss this with the Board in executive session this evening.

HRG has performed inspections for another reduction in the Letter of Credit for Woodridge. Solicitor Henninger has been working on the Overlook Drive Deed of Dedication. Solicitor Henninger confirmed this is on the agenda tonight.

Ms. Hursh and Ms. Smith recently attended a site meeting for the UPS project. UPS is going to start grading next week and will also be doing some blasting. They will be providing the required

notifications to the surrounding municipalities and property owners. Commissioner DeHart asked if this will be on the site or on the road. Mr. Fure responded that it will be on the site. The Star Barn Duplexes Plan was tabled at Board of Commissioners' meeting on October 16. The attorney for the plan will be at the next Board meeting to request either an approval or denial of the plan.

An update was provided on the roadway damage at Stoneridge Lot 1, 1300 AIP Drive. Ms. Hursh has contacted Allen Smith, President of Conewago Contractors, who prepared the site. He stated that they are aware of the damage and agree to repair the area when the Township requests it. The building has not been constructed yet, so any repairs to the roadway may be damaged during building construction. Final repairs will be done at that time. If the damage should increase during the winter, they will repair it immediately upon the request of the Township.

An update was also provided on the Fed Ex erosion at the end of Fulling Mill Road. Contact has been made numerous times throughout the past two years, and the Operation & Maintenance Agreements were sent to the responsible parties. Ms. Hursh was told on several occasions that the repairs were planned to be made; she has forwarded all correspondence to Solicitor Henninger for enforcement action. Solicitor Henninger noted the owner of the property has been given 15 days to advise the Township how it intends to resolve the issue. Otherwise, the Township will move forward with its rights under the Operation & Maintenance Agreement to resolve the issue and bill them accordingly. Commissioner DeHart added that he had taken a look at this area after the heavy rains and sent Mr. Fure some photos. The root cause of the problem is a swale coming from the FedEx property that dips down and is not catching all the water. This water is coming down Fulling Mill Road and eating down the end of the roadway. The root cause is FedEx's swale not being maintained properly. Solicitor Henninger agreed that just putting rocks or fill at the end of the roadway will not solve the problem. He recommended that if the Township does not hear back from the property owners, it should have HRG take a look at this to see how to resolve the problem. Commissioner Paul asked if the turn-around is entirely on FedEx property. Solicitor Henninger confirmed it is and is completely part of the stormwater management facilities that are covered by the Operations & Maintenance Agreement. Commissioner DeHart added that this circle is used quite often.

PUBLIC WORKS DEPARTMENT REPORT:

Ms. Smith provided an update on projects of the department. The Old Reliance and Shope Gardens park projects are complete and waiting for DCNR inspection. Soccer fields were aerated, fertilized, over seeded and treated for weeds. The water system was winterized. Salt spreaders were installed on all trucks except the leaf collectors. Salt bins are full and ready to go for the first winter storm event.

Leaf collection is ongoing, with both trucks working to catch up from the storm events of last week. Pruitt Trucking was here this morning to collect the street sweepings stored in the bin at the old firehouse. Doli has some material on site to begin work near the Malpass residence. Ebersole, the Suez contractor, is on site and will be replacing water mains in the Rosedale Manor development as well. The fire alarm system in the Township Building is still being worked on by Johnson Controls, with discussion on whether to repair the current one or look into a new one. There was some employee overtime hours required due to the recent storm and the need to barricade areas from the flooding and fallen trees.

MANAGER'S REPORT:

Intent to adopt 2020 budget ordinance and tax ordinance

As mentioned at the Special Budget Meeting, Ms. McBride requested that the Board table intent to adopt the 2020 budget ordinance and tax ordinance and to make the preliminary budget available for public inspection as required by law. This can occur at the Board's November 20 meeting. The Board agreed to table action.

2020 Municipal Domestic Animal Protective Service Agreement

Solicitor Henninger reported that he had compared the 2019 and 2020 Agreements with the Humane Society, and found them to be virtually the same, although the upfront payment for 2020 is actually down by around \$300. This is a result of less animals taken there. Rates and terms have not changed. In the last agreement, the Township also checked the option "do not wish" for Paragraph 9, which offers the Animal Rescue services and Paragraph 15, which offers a Pick-Up service. A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the 2020 Municipal Domestic Animal Protective Service Agreement with the Harrisburg Area Humane Society, with the "do not wish" option checked for Paragraph 9 and Paragraph 15. The motion was unanimously approved.

Transition from Windows 7 to Windows 10 for the Police Department

Ms. McBride stated she feels there is the need for a new server in the Police Department. Although she has not authorized that purchase, she has authorized the Police Department to proceed with the transition from Windows 7 to Windows 10. This is to be in compliance with the request from the County.

2020 US Census

Ms. McBride reported that the 2020 US Census is approaching, and she will be putting information on the website and attending a meeting regarding this. Cooperation from municipalities is being requested as far as making people aware of responding when these first notices come out in March of 2020.

Middletown Borough Request for Letter of Support

An email was received this afternoon from Ken Klinepeter, Manager of the Borough of Middletown, asking the Township for a letter of support for its pursuit of a PennDOT Multimodal Transportation Fund Grant. Solicitor Henninger explained they are looking for grant money to do some streetscaping and public safety improvements along Emaus Street. He suggested that the sample letter provided to Ms. McBride also include the fact that the Penn State Harrisburg Campus and the student housing facilities are located in Lower Swatara Township. He added that there will be no out-of-pocket expenses to the Township. Commissioner Paul remarked that when the Township relocated the former Lawrence Street, it did have this concept in mind. A motion was made by Commissioner Paul, seconded by Commissioner DeHart, authorizing Ms. McBride to provide a letter of support to the Borough of Middletown for its pursuit of a PennDOT Multimodal Transportation Fund Grant. The motion was unanimously approved.

ENGINEER'S REPORT:

Shawn Fabian, HRG, referenced his written report and provided updates. He noted there is one agenda item which requires formal action tonight. A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve authorization for the Bradford Avenue Residential Home Demolition Assistance – FEMA Flood Mitigation Assistance Project to be advertised for public bid starting on November 13, 2019. The motion was unanimously approved.

A schedule has been developed for the authorization and bid for the Greenfield Park Basin Retrofit and Riparian Buffer project. Authorization to advertise for bids will be on the Board's November 20 agenda. As Ms. Smith reported, DCNR has been contacted to perform the final inspection for the Old Reliance and Shope Gardens Parks Stormwater BMPs. After this inspection, the grant can be closed out. As reported earlier, work on the Rosedale Manor Stormwater project is expected to occur very soon. Draft permits have been completed for the Spring Garden Drive Arch Culvert Replacement. These should be submitted within the next week or so to PADEP for review. Final contracts are ready for the Highland Street and Lumber Street/Greenwood Drive projects. A copy was sent to Solicitor Henninger for review. Formal approval will be requested at the Board's November 20 meeting. There were two newspaper advertisements made available from Dauphin County Conservation District and the COG. They produce and finance advertisements for the MS4 program and then ask their members to sign on for smaller portions of that and take credit for the MS4 program. Those are both being processed. There have been several meetings of the Recreation Board to discuss the Township Comprehensive Recreation, Park and Open Space Plan. The meeting for tonight was to be rescheduled. There are additional conversations needed in regards to facilities, connectivity, open space, and programing before the final background information can be pulled together for submission to DCNR.

SOLICITOR'S REPORT:

Resolutions

Solicitor Henninger noted there are two resolutions before the Board this evening. Resolution No. 2019-R-11 is in connection with the Highland Street Bridge Replacement Project. Unfortunately, the Township has been unable to obtain cooperation from two of the three property owners to provide the necessary easements. A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve Resolution No. 2019-R-11. This resolution authorizes the acquisition of temporary construction easements and permanent easements and rights-of-way across lands owned by Mid Penn Estates and McNaughton Properties, and Xuan H. Dam and Dung My Phuong by use of the eminent domain code for the Highland Street Bridge Replacement Project. The motion was unanimously approved.

The second resolution on tonight's agenda is Resolution No. 2019-R-12, which accepts dedication of Overlook Road from Messick Construction, Inc. Solicitor Henninger added that he

has sent the proposed deed of dedication to Joe Messick for his signature. A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve Resolution No. 2019-R-12 accepting the dedication of Overlook Road from Messick Construction, Inc., subject to the offer. The motion was unanimously approved. Vice President Truntz asked if the Township would be able to plow this street if a snowstorm should suddenly hit. Solicitor Henninger stated his recommendation would be to plow the road.

Request for Executive Session

Solicitor Henninger requested a brief executive session immediately upon conclusion of this evening's meeting in order to discuss the upcoming zoning hearing regarding the request of Campus Heights III to move the building back to where it was originally proposed. This is a real estate matter, and will be discussed accordingly.

GOOD AND WELFARE:

Commissioner DeHart encouraged the public to attend the MS4 information meeting next Tuesday, November 12, at the Fire Department. He also congratulated his fellow commissioners on their election wins late night, and stated he is looking forward to serving the next few years with them.

Commissioner Davies stated that he is pleased that the Township finally made agreement on the Collective Bargaining Agreement Teamsters Local 776. He also offered a special thanks to the Lower Swatara Township Historical Preservation Society and in particular Nancy Avolese. Her organizational skills and focus brought about this creative solution to a problem that couldn't be dealt with directly by the Township. It was private citizens coming together with common interests that made this happen. Commissioner Davies remarked that the community is fortunate to have these types of people.

Commissioner Paul asked if there was a date set for the next MS4 Joint Meeting. After further discussion, the Board agreed to schedule the meeting at 7:30 P.M. on November 25, or immediately upon conclusion of the Municipal Authority's 7:00 P.M. legislative meeting that evening. President Wilt noted that he will be unable to attend the meeting.

Vice President Truntz thanked Ms. McBride, Ms. McClain, Commissioner Davies, and Commissioner Paul for the great job on the budget. He also thanked those who came out in support yesterday to vote for President Wilt, Commissioner Davies, and him. He added he looks forward to

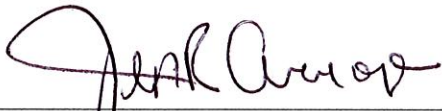
...serving another four years with this great team. Each member brings a different perspective, skill, and background to the table. He also thanked those that came to the meeting this evening.

President Wilt reiterated thanks to the Keystone Carpenters Union, Nancy Avolese, Ruth Shireman, Ben Hall, and Representative Mehaffie, and other unnamed people who are part of the Historical Society. He also agreed with Commissioner Davies that he is glad the union negotiations are complete. Commissioner Davies interjected that he would like to thank President Wilt and Commissioner Paul for all the time they put into those negotiations. President Wilt also thanked everyone who came out and voted yesterday, whether they voted for him or not.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Davies, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:26 P.M.

ATTEST:



Jean R. Arroyo
Township Secretary

PLEASE **PRINT** NAME CLEARLY

NOVEMBER 6, 2019

SPECIAL BUDGET MEETING - 6:15 PM

WORKSHOP MEETING - 7 PM

Name/Organization	Address/Contact Information
Lawn Hayes	Pd 11
Stephen Hepler CPSF	General Records Inc.
Tracey Bechtel	2 Berkeley Dr
Dale Messing	Greenfield Dr
Nancy Quolesse	North Union St.
Beth Malpass	2047 Market St Ext
CHRIS MALPASS	2047 MARKET ST EXT.
Shawn Fabian / HRG	
Jeff Ash	5 Ray Rd.
KEITH GUTS HALL Sr	509 ROSENALL AVE
John Lewis	1017 meadow view ct
Ed Halpern	804 Nissley Drive
John Weikle	LSD
TIMA SHERRY SANTORO	1890 W UNION
RUTH SHIPMAN	LONDONIA DR
Tom McChaffie	State Rep 106th Dist