

MINUTES

NON-LEGISLATIVE MEETING – OCTOBER 1, 2025

The October 1, 2025, 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. President Wilt called for the pledge of allegiance followed by a moment of silence.

The following officials were in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ron J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Zachary Border, Manager
- Tracey Bechtel, Township Secretary
- James Diamond, Solicitor
- Shawn Fabian, HRG
- Rich Snyder, Planning and Zoning Coordinator
- Scott Washinger, Public Works Director
- Brian Davis, MS4 Coordinator
- Tom Bell, Jr., Police Chief

Residents and visitors in attendance: Please see attached sign-in sheet.

Solicitor Diamond reported for the record that an executive session held on September 30, 2025, by the Commissioners, with the Solicitor, Manager, and the Municipal Engineers for the purpose of gathering information on matters related to the evaluation of the performance of certain appointed public officers and also on matters varying on potential litigation. No action was taken, and no deliberations were carried out by the Commissioners in attendance.

PUBLIC COMMENT: None

PRESENTATIONS: Joel McNaughton with McNaughton Properties LP reported that they are continuing to make some progress on the steps for the application for the Williams Farm property which they are proposing to develop into an Age Restricted Community that they have been referring to as Fulling Mills. He noted that back in June of 2025 they submitted an application seeking rezoning of the property. The property currently has 202 acres in three (3) parcels currently zoned partially R-S and largely R-A, they are requesting the entire property to be rezoned R-S then a corresponding text amendment which would allow for Age-Restricted Residential Development under certain conditions and with certain criteria as a

conditional use with the R-S district. He noted that he came before the Board in July of 2025 and the Board authorized the application to be submitted to the Dauphin County and Township Planning Commissions for consideration. The County in early August reviewed the application and submitted a letter which he would call a “No Contest” letter. They said that they are not opposed to the rezoning, noted some things about the comp plan and cautioned in general about rezoning, anytime you rezone there has results and impacts and wanted the Township to be mindful. Shortly after this Mr. McNaughton indicated that they had come back to the Township Planning Commission, they gave a comprehensive detailed review of the entire application and the entire proposed ordinance. He thought there was good, meaningful, and helpful discussion at that meeting out of which there were a few comments and items that the Planning Commission thought it would be important to include within the proposed Ordinance. They made those revisions including some revisions based on staff comments in early September 2025 then on September 25, 2025, the Planning Commission reviewed those comments and recommended approval of the proposed rezoning and the proposed text amendment. He is here this evening hoping that at the Board of Commissioners next meeting or soon thereafter the Board would consider setting a Public Hearing date and allowing the Application an opportunity to be considered via Public Hearing and hopefully towards what they would hope an adoption of the rezoning and proposed ordinance.

Commissioner DeHart noted about the Age Restriction of no one under the age of 18 can permanently live there, his concern is how do you enforce that and understands the HOA or management company will run it but has a concern with that as well. He also has a concern with the spacing of the houses, he still thinks they are too close.

President Wilt concurred with Commissioner DeHart concerns with the spacing between the houses and thinks this needs to be addressed.

Commissioner Paul asked out of curiosity, why don't they look at this as an R-U district, which would give the benefit of less density. The R-U district is a smaller lot size, about half the size of R-S. He feels it is unique to call this an R-S district then ask for ordinances to downsize to age restricted when their lot sizes would be less than 10,000 square ft per unit, he asked Mr. McNaughton if he had any idea of the equivalent lot size would be. Mr. McNaughton indicated that they did that math at the Planning Commission meeting, which was 19,639 sq ft per unit and the R-S zone is 20,000 sq. ft. Commissioner Paul asked how much area is unusable on the tract. Mr. McNaughton indicated that the sketch plan is just shy of 100 acres of open space. Commissioner Paul emphasized that he is very concerned with density requirements right now, especially out in that area where there is a lot going on than we have two State roads, Fulling Mill and Oberlin Rd which trying to get things done by the State is like pulling hair. Mr. McNaughton stated that they understood that concern from the last time they were here two years ago seeking partial R-U and partial R-S zoning. The number one concern about density is traffic, there is less

traffic on this plan than there would be on a buy right plan under the R-S, significantly less, to the tune of hundreds of units less of a traffic impact with this plan as compared to a standard R-S plan. The next concern is the number of people, if this were a standard R-S subdivision you could have up to 6 people per household, here you have 2 at the most.

President Wilt commented that it is not just about the number of people there is also a concern about the distance of space between the units. Mr. McNaughton indicated that they did add language in the ordinance that the space between units is counted by anything that sticks out, the current ordinance permits certain extensions into a setback.

Solicitor Diamond wanted to clarify that these are not legal or engineering things but just procedurally mentioned. Remember that when you do a text amendment you are putting in the entitlement, so if you have a strong feeling about something, that provision should be included in here, it can't wait till the land development plan stage. The other item he wanted to address is the concern about how you police the age restriction aspect of this. He noted that there are very thought-out robust federal regulations that have to be followed, and they are done all over the country and to be an age restricted community they have to enforce those and that is usually on the managers, owners, etc. and these are going to be for sale units not rentals. Vice President Truntz asked if the age restriction covenant runs with the land or can it be revoked or changed in the future. Solicitor Diamond responded that the Township would require it to be a covenant with the land. Vice President Truntz noted his concern that if something were to happen and the McNaughton Company would have to divest itself from this project can we pass this on to somebody else with the text amendment in place and then have that someone come and say that they don't want to do an age restriction, they want to do something else. Solicitor Diamond stated that with the system that we have, if we put the ordinance in place, those are the rules no matter who comes in.

Commissioner Davies asked about the nature of the enforcement of the 55 and up requirement. Is it up to the homeowner's association to enforce this? Solicitor Diamond explained that the Township would be able to enforce theoretically the violation of our zoning ordinance if they are stepping out of bounds. This has federal implications; it would be a violation of federal law if it is not followed properly. Commissioner Davies asked how the Township is wheeled over a homeowner's association should the homeowner's association be less than functional. Solicitor Diamond explained that this applies to every zoning thing, we always have a bunch of procedures under the MPC, usually we start with fining people. Also, the owners of these properties are bound by the land development plan, zoning ordinance and those requirements. The worst-case scenario is we try to get an injunction or try to pull the occupancy permit. In the practical world trying to figure out what to do when things go sideways, it is complicated, but in theory it is all enforceable.

Solicitor Diamond pointed that in any age restricted community that complies with the federal

Fair Housing Act, you can still have up to twenty percent of units that are not restricted. This one in particular is even more restricted than it must be, with the no permanent occupant of an age-restricted dwelling unit, maybe less than 18 years of age.

Commissioner Paul asked if the homeowners association would also control boats, trailers, and things like that. Mr. McNaughton stated that they are not permitted in the draft ordinance. They provided for additional overflow parking at a rate of something significantly higher than the current requirement, no unenclosed storage which includes recreational vehicles, boats, campers, trailers and commercial trucks is prohibited on streets, driveways, parking areas, grass and open space areas, except for the purpose of actively loading or unloading, which shall not exceed 24 consecutive hours with any 7 day period. Commissioner Paul asked what the driveway width and garages for the single-family units are. Mr. McNaughton noted that the plan in front of the Board this evening, every single driveway and garage for the duplexes and single-family are two cars, side by side.

Mr. McNaughton asked the Board if at the October 15th Legislative Meeting action could be taken to consider establishing at date for a Public Hearing. Commissioner Paul asked Mr. McNaughton if anything that the Board said this evening rang any bells with going back and modifying this plan in any way. Mr. McNaughton advised that they were here once with an R-U plan, and they did not have support. He asked the Board to think about what they are proposing. The first thing is rezoning to R-S, which is a map change. You make that map change and whether the age-restricted ordinances are approved or not it doesn't matter, somebody else could come in here, develop the property as an R-S subdivision, which will be about 350, 20,000 sq ft lots on the property. Under this proposal, maybe that's the downside risk for the Township is if someone decides to develop this as a R-S subdivision. Mr. McNaughton informed the Board that their research has shown that it will take five generations of his family to build 350, 20,000 sq ft nearly million-dollar homes on this farm. That does not make sense for them as a developer and certainly doesn't make sense for the Township to have a 50 to 75 year build out for what has been identified in your comp plan as a key component of growth within the Township.

Mr. McNaughton added that it all comes down to coming up with something, somehow that this property can be used in a way that will have market acceptance. He noted that 55 plus communities that are done appropriately, single family detached homes, single family semi-detached homes with first floor masters, robust community amenities, this has a 7500 sq ft club house on this plan, resort style swimming pool, putting greens, pickleball courts, all of which is provided for by the association and yet every single one of these houses by this ordinance still pays their couple thousand bucks into the park and recreation fund. You get less traffic than you would, buy right, you get less people than you would, buy right and you get something that has market acceptance and be allowed to continue in a marketable fashion. He commented, would R-U work, 10,000 sq ft single-family detached lots, he would think so, but you would

end up with about 500 single-family detached lots, that would be roughly 5,000 trips a day in and out of that community, that's about five times what they are proposing here. When you talk about density and impacts, he is not even sure how he could work one of those kinds of proposals through two state roads.

Mr. McNaughton noted that they could provide additional space between units or clarify how overhangs and things are calculated, but he pointed out that every time they do that it is essentially a tool to control density. You start spreading things out, you get less units on the same exact amount of street. If you have a 100 ft of street and put 4 units or if you have a 100 ft of street and put 3 units, someone is paying for the 100 ft of street, so you are driving up prices, future maintenance, but you are still going to have that 100 ft of street to plow, but now you have 4 houses paying taxes instead of 3. Mr. McNaughton pointed out that we often get caught up on a density number, we must look at the entire picture. He stated that he believes in what they have prepared and submitted, not to say it's the only way, but absent from a neighborhood commercial proposal for this property, this is what they believe to be the most realistic opportunity to develop the site in a timely fashion.

Commissioner Paul had one other observation, the parcel to the south that goes around the existing house that is there, it is laid out as duplexes, could that be laid out as singles? Mr. McNaughton answered, surely, but added that they would have to come up with a way to do that so if they went away, the Township would still get single family homes in there and he isn't sure right now what the best way to do that would be. Solicitor Diamond stated that procedurally anything the Board is throwing out there, you are not bound by anything because we have to have a hearing with public input, but when the applicant is standing here and asking for discretionary legislative fate, there is no right to any of this. So, if there is anything specific that any of the Commissioners feel is not sitting well with them it would be really helpful if those ideas were discussed with the developer.

Commissioner Davies inquired about the eastern border property along Nissley Drive whether that is going to be screened with planting. Mr. McNaughton referenced the language they proposed for perimeter setbacks that no dwelling shall be less than 50 feet from the property lines of the development. A planting strip of at least 20 feet shall be provided at any existing Township local road frontage at the periphery of the development.

Vice President Truntz suggested that as far as working out any tweaks and minor adjustments can we accomplish that in an efficient and timely manner, is this something that a few Commissioners can sit down with the developer and staff and hash it out and come back to the rest of the Board. Solicitor Diamond indicated yes, he believes that will be helpful but to remember that ultimately, nobody is bound to anything until the hearing and public comment. The rest of the Board was in favor and Mr. McNaughton stated that they would welcome that.

APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner DeHart to approve the Minutes of September 17, 2025, Legislative Meeting. The motion was unanimously approved.

Acceptance of the resignation of Cord Holliday

The Board of Commissioners accepted the resignation of Cord Holliday from the Civil Service Board effective 9/19/2025.

Vice President Truntz thanked Mr. Holliday for his service to the Township.

Appointment to the Civil Service Board

A motion was made by Commissioner DeHart to appoint Jerome Buggy as full member of the Civil Service Board, Commissioner Davies seconded. The motion was unanimously approved.

Hiring of Edward Dickerson and Keith Miller, Jr.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies to approve the hiring of Edward Dickerson and Keith Miller, Jr., to position of public works laborer effective 10/6/2025.

Change Order #1 to A.T.O. Excavating, Inc. for the 2024 HMGP Home Demo Project

A motion was made by Commissioner DeHart, seconded by Commissioner Davies to approve Change Order #1 in the amount of \$0.00 to A.T.O. Excavating, Inc. for the 2024 HMGP Demo Project to formally extend the contract times due to project delays for utility disconnections. The motion was unanimously approved.

Application for Payment #1F to A.T.O. Excavating, Inc. for the 2024 HMGP Home Demo Project

A motion was made by Commissioner DeHart, seconded by Commissioner Paul to approve Application for Payment #1F in the amount of \$54,400 to A.T.O. Excavating, Inc. for the 2024 HMGP Home Demo Project. This will be the final payment for the project. The motion was unanimously approved.

Commissioner DeHart questioned if the money we are using to pay this is taxed funds. Mr Fabian clarified that there is a grant that we currently have from FEMA, managed by PEMA for purchase of the homes in the flood plain down at the flats and payment to the Contractor is within that.

Conditional award of the 2025 Liquid Fuels Paving Project to Kinsley Construction, LLC

Commissioner DeHart questioned the two bids, why was one really high verses this one, did we review both bids and find out why it is so different. Mr. Wood from HRG explained that the only difference between them was strictly prices and his assumption to that is JVI just throwing a high ticket bid amount for their project just to see if anyone else would bid on it. It was all the same just higher unit prices for items listed.

Commissioner Paul commented that it would be good to add what roads are being paved in the motion on the agenda, so the public is aware.

A motion was made by Vice President Truntz, seconded by Commissioner Paul to approve the Conditional award of the 2025 Liquid Fuels Paving Project to Kinsley Construction, LLC for the base bid amount of \$178,00. The motion was unanimously approved.

Entering into another Time Extension Agreement for PC#2025-01 Greenfield Drive & Blue Raider Lane

A motion was made by Vice President Truntz, seconded by Commissioner DeHart to approve entering into another Time Extension Agreement for PC#2025-01 Greenfield Drive & Blue Raider Lane, and extend the deadline to act form October 28, 2025 to January 30, 2026.

Financial Security Adjustment #2 for PC#2022-03 Penn Preserve

A motion was made by Commissioner Davies, seconded by Commissioner DeHart to approve Financial Security Adjustment #2 in the amount of \$136,639 for PC#2022-03 Penn Preserve, reducing Bond No. CIC1924500 to \$135,505. The motion was unanimously approved.

Change Order No.3 to Horst Excavating for additional pavement to dugouts for ADA access at the Richard L. Shireman Park

Mr. Fabian explained that in preparation for any future ADA audits of the parks, Mr. Fure had been looking at the park areas and recommended additional pavements, and this is the contract value to cover that work that was completed.

A motion was made by Commissioner DeHart, seconded by Commissioner Paul to approve Change Order No. 3 in the amount of \$4,952.60 to Horst Excavating for the additional pavement to the dugouts for ADA access for Richard L. Shireman Park. The motion was unanimously approved.

Change Order No. 4 to Horst Excavating for the repair of damaged paved trails at the Richard L. Shireman Park

A motion was made by Commissioner DeHart, seconded by Commissioner Davies to approve Change Order No. 4 in the amount of \$30,228.67 to Horst Excavating for the repair of the damaged paved trails for the Richard L. Shireman Park. The motion was unanimously approved.

Application for Payment No. 13 to Horst Excavating for the Richard L. Shireman Park

Mr. Fabian noted that HRG reviewed all the quantities and recommends payment.

Based on the engineer's recommendation Vice President Truntz made a motion, seconded by Commissioner DeHart to approve Application for Payment No. 13 in the amount of \$129,934.22 to Horst Excavating for the Richard L. Shireman Park. The motion was unanimously approved.

DEPARTMENT REPORTS:

Planning and Zoning/Codes Department:

Mr. Snyder noted that both reports were provided to the Board this evening along with a memo from Mr. Fure for the proposed provisions to both the Subdivision Land Development and Zoning Ordinance. Mr.

Snyder noted that several plans are coming to an end, staff is working on final punchlist items, final financial security adjustments and as quick as they are getting those out the door, we are starting to make preparations for additional projects being submitted to the Township.

The Zoning Hearing Board: **SE#2025-08 The Pond II** – Request for a Special Exception. On the Planning Commission Agenda for 9/25/2025, and the Zoning Hearing Board Agenda for 10/22/2025. **V#2025-10 209 Rosedale Inn** – Request for a Variance. On the Zoning Haring Board Agenda for 10/22/2025.

The Planning Commission: **PC#2024-03 Brook Meadow Farms (Preliminary/Final Plan)** – Tabled by the Planning Commission on 2/27/2025. **PC#2025-01 Greenfield Drive & Blue Raider Lane** – Remains tabled by the Plan Designer. Applications for Highway Occupancy Permits (H-O-Ps) were submitted to PennDOT. **PC#2025-04 Fulling Mills (2025)** – Resubmission #2 is on the Planning Commission Agenda for 9/25/2025. **PC#2025-05 The Middletown Home (Building 1)** – Resubmission #1 is on the Planning Commission Agenda for 9/25/2025. **PC#2025-07 Dermody Properties, LLC** – Application for Amendment to Zoning Ordinance is on the Planning Commission Agenda for 10/23/2025.

Permit activity for the month of September 2025 is as follows: Commercial – 1; Residential – 5; Sewer – 1; Sign – 0; Shop drawings – 3; Demolition – 0; Zoning – 11; Street Cut – 4

Commissioner Davies inquired about the Zoning Hearing, The Rosedale Inn. Mr. Snyder indicated it is where the existing greenhouses are that Penn State is using. The applicant wants to do a lot consolidation and land development to do an extended stay hotel or student housing.

Public Works Department

Mr. Washinger updated the Board on the following: **Fire House:** All exterior parking lights have been replaced. The light fixtures were free under a PPL Grant. Mr. Washinger is looking at replacing all the can lights in the interior and other exterior lights surrounding the building. He's also in the process of obtaining quotes from GR Sponaugle to replace the existing air conditioning units for the capital budgeting process. The cord on the overhead door was stretched and broken; this cord controls the operation of closing the overhead door. The remedy for the problem was to replace the cord with a new one. **Public Works:** The areas that had previously been excavated for possible sink holes are now covered back in with new asphalt; Carpet mulch was placed in most of the remaining parks, except for the ones that may be considered for upgrading new equipment and poured surface mulch; New flashing stop signs were placed in, on the corners of Fulling Mill and Industrial Lane, and Fulling Mill and Longview Dr. Preparing old vacuum equipment for leaf season which will start October 20th.; The rain garden in Shopes was completely cleared, new mulch will be added this week; Stoner Drive was sealed in areas and was patched; All curbs are being painted throughout the Township.

Mr. Burkholder reported on an issue with sewer surcharging on Nissley Drive. He had portable meter installed in the manhole and it recorded 10 surcharged between September 4th through the 28th. These surcharges are happening when the Green Plains pump station is running. The current flows are concerning enough but the more concerning item is we have 262 previously approved EDUs that will begin to flow down that line, which will increase the potential surcharges. Staff flushed and camera the lines and found no breaks or blockages, we did take some debris out but no breaks that would cause this problem. We did find sags in the line but those are above where the manhole is surcharging. We need to avoid a bad situation and Mr. Burkholder wanted to make the Board aware. He expressed the need to address this quickly, because the approved flows are already starting flow, 17 homes have been approved for occupancy and 7 are currently occupied. Mr. Burkholder noted that HRG is aware, and they are reviewing the data that was forwarded to them in order to come up with an analysis and what alternative we can come up with to alleviate the problem.

Commissioner Davies asked if Mr. Burkholder had a feel for what the possible remedy might be. Mr. Burkholder stated that one of remedies that is being considered is slowing the flow from the pump station, realigning some of the pipes and changing the slope. Commissioner DeHart asked if there is any illicit discharge happening. Mr. Burkholder indicated he is looking into that, but that is not going to solve the problem.

Vice President Truntz noted concern about the Ponds II, Mr. Burkholder stated that he already denied their application for capacity based on the data that we have till we get this issue ratified.

MS4/Stormwater Department:

Mr. Davis updated the Board on the following: **Shope Gardens** – Public Works did a great job clearing out the brush and putting mulch in. The soil is looking a lot less clay like, so hopefully all the organic matter we have been adding over the past couple of years is having an impact. **Annual MS4 Report** – The yearly report regarding our MS4 efforts has been submitted to DEP. The submission process has been much more streamlined with the new online forms. The report has been accepted and is considered “Under Review” **Stormwater Issues** – The inlet/pipe removal at 2000 Brentwood Drive was successfully completed by Kinsley Construction. The neighboring homeowners appear satisfied with the work and the ground has already been stabilized. **Rain Barrel Workshop** – The conservation district has reached out in hopes of the Township hosting another rain barrel workshop next year. As the turnout and reception from residents was very positive last time, we plan to host again and purchase approximately 20 barrels to hand out to residents.

Vice President Truntz thanked Mr. Davis for the data he compiled regarding the airport.

MANAGER'S REPORT:

Woodridge

Mr. Border noted the proposal in the Board packet. He asked the Board if this were something they would want to pursue this year or put it in the budget for next year. We would take all the old equipment and mulch out ourselves to save money. Vice President Truntz asked if the tear down contemporaneous with construction because he does not want to tear the playground down and have nothing there for months and we get complaints from parents. Mr. Washinger indicated that it is the plan to tear down in a week, and the next week get them in to set up the new stuff. Commissioner DeHart asked if there will be coverings on the equipment. Mr. Washinger indicated that he has quotes to get coverings. Vice President Truntz suggested that if we have the funds, manpower and capacity, let's do it now. The rest of the Board members agreed.

Pension

Mr. Border noted that when someone leaves employment before they are vested the money they contribute towards the pension, it is our responsibility as the owner of the pension to distribute those funds back to the employee. We have been having a hard time finding some previous employees after they leave here. What these Amendments would do is if the amount is under \$1,000 it would allow us to distribute the funds directly back to the employee. Mr. Border noted that these amendments were given to us by the Actuary. This will be an action item at the Legislative meeting to advertise the Ordinances.

Fiddler's Elbow

Mr. Border asked Mr. Fabian to talk about this matter. Mr. Fabian indicated that the proposal in the Board packet for the Retainer Agreement for the Fiddler's Elbow Road Repair and Paving Project is for the Board to review, and we plan to take action at the Legislative meeting. The Board had no questions for Mr. Fabian at this time.

Vice President Truntz reported that he saw posts on Facebook about Republic Services not picking up trash in certain parts of the Township. Mr. Boder indicated that we did reach out to them, and we were told that they had a new driver, he was not familiar with the area and missed a section of the Township. They did come back and picked up the missed area on Tuesday morning. Mr. Border noted that when we have missed pickups, we are contacting them and having them come back out.

ENGINEER'S REPORT:

Mr. Fabian noted that we talked about all the updates he had on projects through the action items on tonight's agenda but would be happy to answer any questions that the Board may have.

Commissioner DeHart asked when the Fiddler's Elbow culver will be done. Mr. Fabian stated that the permit was submitted, he was going to check in with Veolia to get an update. Mainly we are waiting for

DEP to give the go ahead. Commissioner DeHart asked if the write up was done on the Traffic study yet. Mr. Fabian indicated that they are working on that right now, he should have the finished write up to the Board on the 15th.

GOOD AND WELFARE:

Commissioner DeHart thanked everyone for coming out.

Commissioner Davies had no comment.

Commissioner Paul thanked Mr. Burkholder for staying on top of the sewer issue, which is a big deal for us.

Vice President Truntz wanted to take the time to say Thank you to the staff that is here and staff that is not here, that we really appreciate what you do, you make us look good and do a lot for the Township.

President Wilt thanked everyone for coming this evening.

ADJOURN:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner DeHart to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:21 P.M.

ATTEST:


Tracey Bechtel
Township Secretary

PLEASE **PRINT** NAME CLEARLY
BOARD OF COMMISSIONERS OCTOBER 1, 2025
WORKSHOP MEETING (7:00 PM)

Name/Organization	Address/Contact Information
Ron Burkholder LST	