

## TRI-COUNTY REGIONAL PLANNING COMMISSION

Minutes of the Meeting

November 17, 2022

The regular meeting of the Tri-County Regional Planning Commission was held November 17, 2022 via Zoom conferencing and in-person attendance in the second floor conference room at 112 Market Street, Harrisburg. Mr. Spandler called the meeting to order at 3:45 p.m.

### ROLL CALL

Members participating remotely were Ms. Deb Everly, Mr. Tom Graupensperger, Mr. John Kerschner, Mr. Danny Kirk, Mr. Gary Lenker, Mr. Fred Lighty, Mr. Bill Lyons, and Mr. Jim Turner. Mr. Robert Spandler attended in person. Mr. Steve Deck and Ms. Diane Myers-Krug of staff were also present (in person).

### PUBLIC COMMENT

No public was in attendance to provide comment.

### MINUTES

On a motion by Mr. Kirk, seconded by Mr. Lenker, the minutes of the September 22, 2022 meeting were approved for filing.

### FINANCIAL STATEMENTS

Ms. Myers-Krug reviewed the Financial Statements for September and October 2022. The revenues received include normal transportation invoicing and quarterly increments from the counties. TCRPC is starting to receive large reimbursements from PA DEP for the County Action Plan special project, the lion's share of which is pass through funds to consultants. Comparison of the CAP revenues to the CAP expenses for the month shows the magnitude of difference between staff labor and consultant reimbursements. Programs for Dauphin and Perry County planning services are over budget, but otherwise the programs are in line with the expected budget. Ms. Myers-Krug noted the County planning program services expenses were addressed in the upcoming budget.

Ms. Myers-Krug explained there was a delay between when the large DEP CAP reimbursements were received and the processing/clearance of the checks from the recipients. As a result, there is a large interest-earning balance in the sweep account during the month while the funds work through the processing.

Expenses are within the overall expected budget at 72.5%, without consultants considered. Expenses include hotel expenses for the Planning Partners meeting, purchases of safety equipment for traffic counting activities, office supplies, travel (including traffic counts), utilities (two month payment), and annual lunch expenses.

On a motion by Mr. Graupensperger, seconded by Mr. Lyons, the Financial Statements for September and October 2022 were unanimously accepted for filing and audit. Copies of the Financial Statements are attached to the file copy of these minutes.

### PAYMENT OF EXPENSES

Ms. Myers-Krug reviewed some general ledger items including payment for toner, APA dues and statewide planning conference, traffic safety equipment and supplies, annual luncheon, library print shop, SusqueCycle account (sponsorship), website domains, conservation district CAP payments (and redirection of payments from Dauphin County Conservation District to Dauphin County Redevelopment Authority), rent (including November annual increase), utilities and copier charges.

Mr. Spandler asked for clarification of SusqueCycle program FNB account revenues and expenses. Mr. Deck explained there is a third-party app which deposits the user and membership fees directly into the account from their credit card/app (Movatic). TCRPC will pay the vendor (Tandem Mobility) from that FNB account, which will also include UPMC sponsorships and federal transportation funds through a reimbursement agreement with PennDOT.

On a motion by Mr. Kerschner, seconded by Mr. Graupensperger, the payment of the September and October 2022 expenses was unanimously approved. Copies of the expenses are attached to the file copy of these minutes.

There was one (1) health reimbursement during October 2022. On a motion by Mr. Turner, seconded by Mr. Kerschner, the payment of the October health reimbursement was unanimously approved.

Ms. Myers-Krug noted the sweep account report was provided for information purposes, and stated the interest rate increased from 0.45% to 0.75%. She highlighted the impact of the CAP reimbursements on the ending balance, and estimated about \$600,000 of it was in process of being distributed.

Ms. Myers-Krug also provided a quarterly report for the investment account that was opened for the CD which matured at the beginning of the year. It is performing as expected with the market trends for the year. She also provided a review of the beginning statement for the new FNB account for the SusqueCycle program.

#### INTERGOVERNMENTAL REVIEWS

Mr. Deck reviewed four requests for grant funding, three (3) of which were PA DCNR C2P2 applications for park improvements and the fourth was a Chesapeake Bay Stewardship Fund application for stewardship and conservation implementation in the Lower Susquehanna Region. Park improvements included Middletown Borough Overdeer Park, Lower Paxton Township Hodges Heights Park, and Bloomfield Borough Park.

On a motion by Mr. Lyons, seconded by Mr. Kerschner, approval for Mr. Spandler's signature on the consistency/support letters passed unanimously.

#### COMMUNICATIONS

Ms. Myers-Krug highlighted the most recent communications received from Nationwide and the release agreement. She explained emails from the claimant have continued since the agreement was signed. Those emails were forwarded to Nationwide, who then assigned an attorney to represent TCRPC in any further matters in this case. Mr. Spandler suggested to wait for any advice from the assigned attorney prior to taking any action, although Nationwide was premature in settling. Mr. Deck reminded the Commission that the matter is regarding the lack of PennDOT HOP permitting for multiple driveways. PennDOT is pursuing a solution with the property owners and staff continues to be in communication with PennDOT.

Ms. Myers-Krug reviewed the discussion at September's meeting about sending Cumberland County Commissioners communication about the developing stormwater program including New Cumberland Borough, so that there would be documentation of Cumberland County's acknowledgement of this activity. Staff drafted a letter, also to include a copy of a supporting letter from the Cumberland County Planning Department, for the Chairman's signature.

Mr. Deck added that he understood the communication with Cumberland County to be with the Planning Department, which is the normal point of contact, rather than directly with the County Commissioners. The letter from the Planning Department is a result of that contact with respect to the stormwater program. In addition, Mr. Deck explained the activity being proposed is not planning, but rather selling credits. To this end, a sales agreement has been developed with the assistance of Mr. Lighty so that the transaction can take place. Mr. Deck reaffirmed his opinion that the communication that needed to take place had already taken place with the Cumberland County Planning Department. Mr. Deck noted his opinion differed from Ms. Myers-Krug's and stated he thought the drafted letter to the Cumberland County Commissioners overly complicates something that needs to take place soon in order for New Cumberland Borough to participate this year.

Mr. Spandler asked if there was any cost involved for TCRPC other than administration of the program, which Mr. Deck confirmed there was none. New Cumberland Borough will purchase \$260,000 worth of credits through the program. Mr. Graupensperger asked if the amount of credits sought by New Cumberland Borough was significant enough with respect to the total available through the program that it would prevent other Dauphin County municipalities from participating. Mr. Deck explained 1 million pounds of credit were available, of which New Cumberland would need 130,000 pounds, and this wouldn't prohibit other municipalities from participating as needed at this point. Valid credits will also carry forward from one program year to another.

Ms. Myers-Krug emphasized that the letter was focused on the agreement with the Cumberland County Commissioners and activity about to take place in Cumberland County rather than the merits of the stormwater program, which all have agreed is a worthwhile effort. She noted that Mr. Stoner does not speak for the Cumberland County Commissioners and it is important that the Cumberland County Commissioners be contacted directly given that the agreement is with the County Commissioners.

Mr. Deck explained that the agreement set up the arrangements for paying pension obligations, but didn't explicitly include conditions on what activities could or could not occur. The formal withdrawal letter by Cumberland County also included a statement to indicate they would be willing to work with TCRPC in other (non-transportation) initiatives moving forward. The concern is if the Cumberland County Commissioners would not respond or respond negatively, the only entity that would suffer is New Cumberland Borough.

Ms. Everly suggested approving the letter but having a conversation with the Cumberland County Commissioners before it is sent. That conversation would need to be between the Boards of County Commissioners. Mr. Deck explained he went to his point of contact in Cumberland County (Mr. Stoner) regarding this effort, and Mr. Stoner discussed it with his solicitor. The end result was the letter supplied by Mr. Stoner confirming his support for the program.

Mr. Lighty offered to look at the separation agreement and cautioned that any delay should be avoided so New Cumberland can still be able to participate this year. He suggested one way to speak with the County Commissioners would be for the New Cumberland Borough Manager to speak with the Chief Clerk of Cumberland County. Mr. Lighty recalled the agreement between TCRPC and Cumberland County addressing pension payments. Ms. Myers-Krug noted the majority of the agreement addresses pension payments, but also includes a specific paragraph about not participating in other non-transportation planning activities. Staff agreed to send the agreement to Mr. Lighty to review. Mr. Lighty reiterated that even if we are still unsure about the agreement,

one way to have communication with the County Commissioners is for the Borough Manager to have a conversation with the County Chief Clerk.

Mr. Spandler asked for the timeframe for this communication to occur. Mr. Deck explained New Cumberland Borough had budgeted some participation for this year, and they would like to authorize the payment at its December meeting. There was some concern expressed about remaining time available.

Mr. Spandler suggested signing the letter, and if Mr. Lighty didn't see any problem in sending the letter, to do so.

Mr. Deck suggested to sign the sales agreement with New Cumberland Borough and not send the letter to the Commissioners if Mr. Lighty's review of the agreement didn't show that it is necessary. Mr. Spandler reiterated the need for the Cumberland County Commissioners to be notified. Mr. Deck suggested that could be through the communication with the Chief Clerk and the Borough Manager, as Mr. Lighty had previously recommended. Mr. Deck summarized action to sign the letter, hold on to it for now, see what Mr. Lighty's review is, and then let the Commission know whether to send the letter.

Mr. Kerschner asked if Mr. Stoner shared the information with the County Commissioners. Mr. Deck noted that Mr. Stoner checked with the solicitor, but was not aware of any other communication. Mr. Kerschner stated to have Mr. Lighty look at the agreement and see where it stands.

Mr. Spandler explained again he would like to show that TCRPC made the effort to have the Cumberland County Commissioners respond. Mr. Kerschner pointed out that if the Cumberland County Commissioners didn't respond, based on the wording of the letter, New Cumberland Borough would not be able to participate.

Mr. Graupensperger suggested changing the letter to read that based on communication with the Cumberland County Planning Commission, the stormwater program move ahead unless otherwise indicated by the Cumberland County Commissioners. The wording in the letter could be changed to emphasize communication with the Planning Department, which is where Mr. Deck is coming from, but Mr. Graupensperger also agreed that it should be documented with the County Commissioners, which is where Ms. Myers-Krug stands.

Mr. Graupensperger made a motion to change the wording in the letter as discussed, and Mr. Spandler seconded the motion. Ms. Everly requested to know what the language is changed to before the letter was sent. Mr. Spandler stated staff would reword the letter, and email it to the Commission members for feedback prior to sending. He stated he could come in the office to sign the letter at any time. Motion carried unanimously.

## REPORTS

Mr. Deck highlighted several staff efforts including the annual luncheon (which will moved back to May in 2023), active transportation plan, SusqueCycle program, Dauphin County stormwater program (WREP) progress, and media coverage for the month.

Mr. Graupensperger asked if the Perry County municipalities/boroughs along the river may be able to benefit from the WREP program in terms of pollution reduction as they are direct dischargers to

the river. Mr. Deck noted that Marysville Borough is the only MS4 municipality in Perry County and they had a project in Lion's Park which already addressed its permitting requirements. But they are aware and interested in participating long term. There has not yet been extensive communication with the other Perry County municipalities other than some outreach to raise awareness that the program exists.

#### OTHER BUSINESS

Commission members were reminded of the 2023 meeting dates listed in the agenda packet and on the website.

#### EXECUTIVE DIRECTOR'S SALARY

Staff was excused and recording stopped while the Commission members discussed the Executive Director salary for 2023.

#### PUBLIC COMMENT

No public comment was provided.

#### ADJOURNMENT

On a motion by Mr. Spandler, seconded by Mr. Lighty, the meeting was adjourned at 4:47 p.m.

The next meeting is scheduled for  
**Thursday, January 26, 2023 at 3:30 p.m.**  
TCRPC Office, 112 Market Street  
2<sup>nd</sup> Floor Conference Room, and remotely

Respectfully submitted,  
*John A. Kerschner*

John A. Kerschner, AICP  
Secretary