

MINUTES

REGULAR MEETING I

SWATARA TOWNSHIP  
BOARD OF COMMISSIONERS

MARCH 3, 2021

1. **Call to Order:** President Connolly called the Regular Meeting I of the Swatara Township Board of Commissioners to order at 7:00 p.m. Wednesday, March 3, 2021 virtually, via Zoom.
2. **Pledge of Allegiance:** President Connolly led the audience in the Pledge of Allegiance.
3. **Moment of Silence**
4. **Roll Call:** Commissioners Zubeck, Varner, Ellis, Vice President Boudier and President Connolly were present. Also present: Township Manager Jim Fosselman, Assistant Manager Kim Kaufman, Solicitor Scott Wyland, Director of Public Safety and Sergeant-at-Arms Darrell Reider, Fire Chief Michael Ibberson, Director of Planning and Zoning Robert Ihlein, Director of Public Works Todd Webb, and Assistant Secretary Karen Alleman.
5. **Announce Executive Session:** No executive session was held.
6. **Visitors Requests and Comments:** Secretary Alleman read three emails received prior to this evening's meeting (Kepp, Harvey and Flaherty).
  - A. **Mary Kepp, 1350 Kelley Road** (via email) made inquiries regarding the update to the Township's website. Commissioner Zubeck began with the same update as February 10 then responded to the timeline question. In January of 2020, the website update began, In February of 2020 the website was looked at more closely taking into consideration input from staff such as difficulty adding materials and updates. Meetings with potential website providers were held with staff virtually. In August and September meetings were held with department heads for their input regarding their areas on the website, and three vendors were interviewed to be website providers. At the October Board meeting GraphTech made a presentation and was chosen as the website provider. The Solicitor reviewed their contract, and it was signed in November of 2020. An upstart meeting was held in November with GraphTech and staff to discuss what was liked and disliked about the site. On December 10, a virtual meeting was held with all department heads and GraphTech for their input. Photographs were submitted for use on the website. On February 5, 2021, an update by the vendor was received, everything is going as planned. A shell of the home page of the website should be available by February 8. Everything is right on schedule, we are in Phase II of the update, which is weeks 7-8. Future meetings with the vendor have been scheduled. The website will be completed by the end of spring, early summer. Commissioner Zubeck does not want to rush the website, she said if anyone had questions, they could contact her at 717-805-5098.
  - B. **Deborah Harvey dgharv@gmail.com** (via email): Asked when in person meetings would resume. President Connolly said the weekly staff COVID Task Force meeting will occur tomorrow. The decision to have in person meetings safely will be discussed. Commissioner Ellis wanted to clarify that she made sure what the capacity would be in the Swatara Room if in person meetings were held. The room holds 350, which puts the count at 52, not taking into account social distancing. Once social distancing of six feet is factored in, it is estimated 27 people could be at an in person meeting. Right now, virtual meetings can accommodate far more people than in person. Commissioner Zubeck asked Solicitor Wyland about the changing guidelines by the governor. Solicitor Wyland said capacity is now 15%. Assistant Manager Kaufman said the

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capacity is now 15%, still requiring six feet of social distancing, which brings the number of people allowed in the meeting room to 27.

Commissioner Zubeck said some people indicated she was responsible for links that were not functioning properly on the website. If links are not working correctly, please contact township staff so they can look at the problem. Commissioners are not responsible for links that do not work properly on the website.

Commissioner Ellis thanked Commissioner Zubeck for clarifying questions regarding the website.

- C. Amy Flaherty, amyflaherty@hotmail.com (via email): Thanked the Board for listening to the needs and requests of the Spring Hill Community regarding the impending playground. Thanked the public works department for the great job on snow removal.
- D. Meghan O’Neill, 5870 Bell Road: She received the Zoom link for the meeting via email and had Mr. Fosselman help her so she could participate this evening. She is excited for the new website and would like to volunteer to test it. It is getting warmer, and the garage space used for a previous meeting could be used again with portable heaters to allow for in person meetings. She requested one of the commissioners this evening reverse Ordinance 2017-7. Manager Fosselman said he personally checks everyone registered for the meetings. He approves everyone immediately and makes sure they go through.
- E. Tom Garlic, 6050 Hocker Drive: Thanked the commissioners for the vote last Thursday and asked if the township will utilize Feeser’s offer of assistance with the appeal. Solicitor Wyland said he has not contacted them yet but does plan to accept their gracious and public offer to underwrite the cost of the appeal.
- F. Rose Brown, 5600 Plainview Road: Thanked Commissioner Zubeck for calling the emergency meeting on the appeal and giving the yes vote to appeal, as well as Commissioners Varner and Boudier. Wanted an update on the zoning petition that was submitted at the beginning of last year. Asked if Coffee With A Cop was open to the public at the Promenade Restaurant on March 11. She got a lot of feedback from people that could not log on to the last meeting. Asked if meetings could be held virtually as well as in person.  
Manager Fosselman said if meetings were to be held in person and virtually, a computer would have to be purchased for everyone participating in the meeting. That would be about \$1,000 per computer.

- 7. **Motion to Approve Agenda**: A motion was made by Commissioner Varner to approve the agenda, seconded by Commissioner Zubeck.

Commissioner Zubeck Yes  
Commissioner Varner Yes  
Commissioner Ellis Yes  
Vice President Boudier Yes  
President Connolly Yes

Motion carried unanimously.

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8. **Motion to Approve Item on Consent Agenda:** Commissioner Zubeck made a motion to approve the consent agenda item, seconded by Commissioner Ellis.

A. Beulah Baptist Church Request – Approval for Street Closure and On-Street Parking

Commissioner Zubeck	Yes
Commissioner Varner	Yes
Commissioner Ellis	Yes
Vice President Boudier	Yes
President Connolly	Yes

Motion carried unanimously.

9. **Consideration of Minutes:** Regular Meeting of February 10, 2021: Commissioner Ellis made a motion to approve the minutes as presented, seconded by Commissioner Varner.

Commissioner Zubeck	Yes
Commissioner Varner	Yes
Commissioner Ellis	Yes
Vice President Boudier	Yes
President Connolly	Yes

Motion carried unanimously.

Manager Fosselman wanted to inform the Board that the township received a gaming grant for sidewalks at Bishop Park in the amount of \$150,000. President Connolly asked that a thank you letter be sent to the County Commissioners and Gaming Board.

10. **Visitors Requests and Comments:**

- A. Rose Brown, 5600 Plainview Road: Asked if a meeting was going to be held at the Promenade Restaurant on March 11. Public Safety Director Reider said the March Coffee With A Cop would not be held, it was posted to the police department's web portal several weeks ago. The meetings have been postponed until further notice.

She asked if there was an update to the zoning petition submitted at the beginning of last year. President Connolly did not know specifically about the petition but feels it could be part of the review of the economic impact study which was presented at the February 10 meeting. A final report should be available by September or October.

- B. Meghan O'Neill, 5870 Bell Road: Requested that the approval function be turned off for the Zoom meetings. She thanked Commissioners Boudier, Varner and Zubeck for their vote last week. She asked for a timeline for the economic study. Manager Fosselman said the registration is suggested by Zoom because of meetings being hacked. Commissioner Ellis gave the timeline for the economic impact study. Information will start to be collected immediately as far as economic data. The U.S. Census will be collected in March and then three to four months after that an initial fact finding would be provided. The final report would be provided by September or October.

Commissioner Zubeck asked when names were due for appointment to the economic impact study. President Connolly said he would like to make appointments at the March 10 meeting, two nominees per Commissioner.

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- C. Deborah Harvey, 105 South 47<sup>th</sup> Street: The Citizens Policy Academy began on March 1, is that meeting held in the township building? President Connolly said it is, and there are field trips outside of the building. There are nine attendees. She asked why in person meetings could not be held. Solicitor Wyland said it is 15% for indoor gatherings, 20% for outdoor gatherings, plus social distancing. The capacity for this building with social distancing is 27. She said over the summer and fall in person meetings were being held, utilizing social distancing. She is asking for that consideration again. Assistant Manager Kaufman said that at the end of summer there was a significant spike in COVID numbers, and the Board decided to switch to virtual meetings. President Connolly looks forward to returning to in person meetings as soon as safely possible. Ms. Harvey does not understand why in person meetings cannot be held downstairs with the 27-person capacity. Solicitor Wyland answered that the Board would not want to turn away that 28<sup>th</sup> or 29<sup>th</sup> person. No one has to be turned away virtually. She doesn't understand why meetings cannot be held virtually and in person. Solicitor Wyland said it is the cost factor and band-width capability. A decision will be made tomorrow by the health and safety staff regarding an in-person meeting for March 10 keeping in mind the CDC, governor and state guidelines for social distancing.
- D. Lisa Neiter, 6140 Hocker Drive: She said 27 people could attend an in-person meeting. She asked why the meetings couldn't be held virtually and in person. Manager Fosselman said for each commissioner and staff member \$12,000 minimum would have to be spent on hardware. Right now, everyone uses their own computer at home. Commissioner Ellis also pointed out there are connectivity issues in the basement that would prevent virtual meetings from being broadcast. She asked why there was an economic impact study going on now when no one cared about it in 2017. She wants the Board to look at the petition and change all of the parcels that were changed in 2017 back to what they were. Let the economic impact study go through then look at each parcel of land separately.
- E. Michael Tuckey, 5875 Gensemer Lane: Thanked Commissioner Zubeck for calling the emergency meeting regarding the appeal. He thanked all the Commissioners involved to make that process go forward. He asked if each Commissioner could use their own cell phone for a Zoom meeting. He asked the township to look into increasing the internet speed downstairs. He said if you are in the same household, you do not have to socially distance, you could get more people in the room that way too. Commissioner Ellis asked him to clarify his question on cellphone usage. He believed everyone had a cell phone that would be adaptable to Zoom, you wouldn't have to spend thousands of dollars to accomplish what they are asking for. Commissioner Zubeck said she thought he was asking if the township commissioners could use their cell phones instead of purchasing computers. President Connolly appreciated everyone's ideas.
- Mr. Tuckey asked about the 2017 meeting when the zoning was changed. He thought more thought should have been put into that ordinance. Commissioner Ellis pointed out that warehousing was always included in C-G District, as a secondary use, not a primary use. There could have always been warehouses in that District. Mr. Tuckey said there are

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residents trying to help the community, and no one has discussed anything with them. Commissioner Ellis said that is why the township is compiling an economic impact study, so a snap decision is not made, and data is being compiled. Mr. Tuckey said the township is delaying the process so warehouses could possibly be put up around the township. President Connolly said Mr. Tuckey asked people to sign a paper against a certain type of business. The overall thing is, if you are against that business, and you have that right, are you also against other things. If you disrupt the balance of business in a growing township then you transfer the property tax and expense to run the township onto the residents. A decision will have to be made, if its not warehouses, hospitality, hotels, retail, it will be something. If we don't take calculated steps on 165 acres with the current zoning there, we could be looking at 1,000 housing units. 1,000 housing units could cause the property tax to go up for everyone in the township and at the same time puts a burden on the neighborhood school system. When we go through this process, we will be looking at what price we have to pay to exercise the options. He does not want to completely change the make up of a neighborhood based on a bad decision. He asked Mr. Tuckey if he volunteered to be on the economic impact study. He said he did, but given the decision being made and the issues with this piece of ground, he wants the commissioners to freeze that part of it from being able to put warehouses throughout for conditional use on part of the ground, minus what is already being appealed. He's not against business. Instead of 1,000 housing units, couldn't there be a condition of how much land per house, like two acres, to alleviate some of the quantity of people and traffic through there and still have tax dollars. Commissioner Ellis said that would require a change in zoning. Mr. Tuckey said maybe that is something to look at. Commissioner Ellis said there is currently three types of housing that can be permitted in the C-G District. There is no conditional use for housing. If at any point a developer or the landowner decide they want to put housing in that area they can do that by right. He would like to control the number of houses that could be placed in that area. Mr. Tuckey asked if that part of the zoning change from 2017 could be frozen. Solicitor Wyland said there is existing zoning, what landowners can do if they don't want a particular use on a particular parcel is suggest zoning be changed, and that is what is happening here. You cannot change zoning on a particular parcel, that is spot zoning, and that is illegal.

- F. Jeff Dougherty, 4787 Tipton Road: He said the maximum occupancy is 27 for an in-person meeting. No one wants to be the 29<sup>th</sup> or 30<sup>th</sup> person and have to go home. Adjustments have to be made at this time and hopefully by summer things will be different.
- G. Thomas Garlic, 6050 Hocker Drive: Residents are so upset at the 2017 action because they weren't notified. Only the bare minimum as required by law is done. The original developer of the property was receptive to resident's concerns. This developer doesn't communicate with the community. He asked when the appointments would be made to the economic impact study committee. President Connolly said appointments will be made at the next meeting. Letters will be sent to appointees.

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- H. Debra Noles, 6080 Hocker Drive: Wanted to clarify that they are not against warehouses. They are against warehouses being put up against residential areas, like them. Its not right to put warehouses up against homes, they should be at the end of Derry Street where there are not that many homes, and if there are, they are further away. She would like to see a freeze until the economic impact study is done. She said the developer has had a year to fix and resubmit their paperwork and everything's that needed but they have not done anything to do that. That is not right, they should be trying to fix their paperwork.
- I. Marlena Seguin, 6031 Hocker Drive: Would like to join the economic impact study committee and reiterates what others have said regarding the 2017 ordinance.
11. **Possible Stormwater Violations**: None
12. **Commissioners Requests and Comments**
- A. **Commissioner Varner**: Wanted to make sure everyone knew that the stormwater fee can be paid online once invoices have been mailed.
- B. **Commissioner Zubeck**: Was happy to be able to join the police awards ceremony held earlier. We have the best police department in the area, and the state. Thanked everyone who participated in the meeting this evening. She would like to see the governor open the state back up, she is open to suggestions to have in person meetings. She thanked everyone who participated last week for the special meeting and this week.
- C. **Commissioner Ellis**: Congratulated all the honorees from this evening's police award ceremony. A special thank you to Sergeant Detective Ashley Baluh on being awarded the Medal of Valor. Thanked everyone for participating.
- D. **Vice President Boudier**: He hears the concerns of the people regarding in person meetings and as a grandparent is disappointed that he cannot attend his granddaughter's college graduation. We need to adjust.
- E. **President Connolly**: Thanked the public works department for seven to eight winter storm events in the month of February. He feels we have the top police department and public works department in the state. During the pandemic, they still got the job done. He respects everyone's opinion. He is open to suggestions and moving forward. He thinks we should take the time to get things right moving into the future. Decisions made now will have an impact for years and years down the road. He is proud of where we are at in Swatara Township and strives to make it better.
13. **Adjournment**: Commissioner Varner made a motion to adjourn the meeting at 9:03 p.m., seconded by Commissioner Zubeck. Motion carried unanimously.



Karen Alleman, Assistant Secretary