

MINUTES

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SWATARA TOWNSHIP

REGULAR MEETING II

JANUARY 12, 2022

BOARD OF COMMISSIONERS

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1. **Call to Order:** President Zubeck called the Regular Meeting II of the Swatara Township Board of Commissioners to order at 7:00 p.m. Wednesday, January 12, 2022. The meeting was held at the Swatara Township Municipal Building, 599 Eisenhower Boulevard, Harrisburg, PA.
2. **Pledge of Allegiance:** President Zubeck led the audience in the Pledge of Allegiance.
3. **Moment of Silence**
4. **Roll Call:** Commissioners Zubeck, Ellis, Tuckey, Varner and Bouder were present. Also present: Township Manager Jim Fosselman, Assistant Manager Kim Kaufman, Solicitor Kevin Hall, Director of Public Safety and Sergeant-at-Arms Darrell Reider, Director of Public Works Todd Webb, Director of Planning and Zoning Robert Ihlein, Fire Chief Mike Ibberson and Secretary Karen Alleman.
5. **Announce Executive Session:** An executive session was held prior to this evening's meeting to discuss a personnel matter.
6. **Presentation by Will Wilhelm, Disaster Program Manager, Red Cross:** On March 4 the Red Cross will kick off a campaign called Sound the Alarm. The goal is to prevent fire deaths by twenty-five percent. Red Cross volunteers and other volunteers will go door to door in high-risk neighborhoods to install free fire alarms and discuss home fire evacuation plans. There is no charge to the Township or residents for this service.
7. **Visitors Requests and Comments:**
  - A. **Mike Farling, 620 Rutland Drive:** Would like to know when a vote was taken to continue his current status with the Township and who voted on the matter. Mr. Farling was suspended from the fire service; he was told he would be reinstated. He is still suspended, even though he was told the matter in question was closed. President Zubeck thanked him for his comments.
  - B. **Deb Harvey 105 South 47<sup>th</sup> Street:** Wanted to know how and why the Board came to their decision regarding Mr. Farling. She is disappointed in the Board's decision and how Mr. Farling is being treated. President Zubeck said Mr. Farling could share his information with her if he chooses.
8. **Motion to Approve Agenda:** Vice President Varner made a motion to approve the agenda, Commissioner Tuckey seconded the motion.  
Commissioner Ellis made a motion to remove items 9G. Ratification of Zoning-Hearing Board Appointment – Henry Kohl and 9H. Ratification of Zoning-Hearing Board Appointment – George Milakovic from the consent agenda and listed as separate items for Board action. Commissioner Bouder seconded the motion.  
A roll call vote was taken to remove items 9G and 9H from the agenda and make them separate items.

Commissioner Ellis	Yes
Commissioner Bouder	Yes
President Zubeck	No
Commissioner Tuckey	No
Vice President Varner	No

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Motion failed. Commissioner Ellis had concerns regarding Mr. Milakovic's attendance at Board meetings while he was serving as Commissioner.

President Zubeck asked for a roll call vote for the approval of the agenda as presented.

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

Motion carried unanimously.

9. **Motion to Approve Items on Consent Agenda:** Commissioner Ellis made a motion to approve the consent agenda items, seconded by Vice President Varner. President Zubeck asked for a roll call vote.

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

Motion carried unanimously.

- A. Monthly Departmental Reports
- B. Committee Reports
- C. Codes Report
- D. Ratification of Manager's Contract – James Fosselman
- E. Ratification of ProChamps Agreement
- F. Approval of Administrative Pay Increases
- G. Ratification of Zoning-Hearing Board Appointment – Henry Kohl R-2022-01
- H. Ratification of Zoning-Hearing Board Appointment – George Milakovic R-2022-02

10. **Consideration of Minutes:**

- A. **Regular Meeting II of December 8, 2021:** Commissioner Ellis made a motion to approve the minutes of the December 8, 2021, Regular Meeting II, as presented. Vice President Varner seconded the motion. The motion carried unanimously.
- B. **Reorganization Meeting – January 3, 2022:** Commissioner Ellis made a motion to approve the Reorganization Meeting held on January 3, 2022, as presented. Vice President Varner seconded the motion. Motion carried unanimously.

11. **Reports:** All reports are posted in the lobby of the municipal building.

- A. **Manager's Report:** Nothing at this time.
- B. **Treasurer's Report:** Commissioner Boudier made a motion to approve the December 2021 Treasurer's Report as presented, seconded by Vice President Varner. Motion carried unanimously.
- C. **Solicitor's Report:** Nothing at this time.
- D. **Swatara Rising Comp Plan:** Director Ihlein presented his report to the Board. He discussed the Planning Commission's legislative list. He will ask for Board authorization to have the

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solicitor prepare an amendment to the zoning ordinance for development compatibility standards to help enhance and protect existing neighborhoods in the township. Mr. Ihlein will provide more information at a future meeting.

- E. **Fire Services Report:** Fire Chief Ibberson presented his report to the Board. We are teaming up with Derry Township to apply for a regional FEMA grant for \$502,596. Life Team Deputy Chief Joel Hocking presented his report to the Board. They are starting their third EMT academy. The program is very successful.
- F. **Director of Public Safety Report:** Director of Public Safety Reider presented his report to the Board. The Christmas Shop With A Cop was a huge success this year. Treats With A Cop will be held on January 13<sup>th</sup> at 6:00 p.m. at the municipal building. The Citizens Police Academy will begin on February 21, applications are being accepted.

- 12. **Subdivision/Land Development Plans:** Director of Building and Codes Robert Ihlein, Zoning Officer presented the following business:

- A. **Approval of Plan No. 2021-07C for Paxton Terminals Corporation:** The applicant has submitted a preliminary/final minor subdivision plan to divide their property into two parcels of 6 and 7.7 acres. The original plans are being revised to reflect the comments from County Planning, the Zoning Officer and the Township Engineer. The applicant is requesting a waiver from the subdivision and land development ordinance requirement for the submission of a preliminary plat. The township planning commission has recommended approval of the waiver and the revised final plans. Engineering and zoning staff are satisfied with the revised plans, and also endorses the recommendation to approve the plans.
  - 1. Commissioner Ellis made a motion to approve the waiver from Section 253.11 of the Township Subdivision and Land Development Ordinance (SLDO) that requires the submittal of a preliminary plat. Vice President Varner seconded the motion. The motion carried unanimously.
  - 2. Vice President Varner made a motion to approve Resolution R-2022-03 for conditional approval of the preliminary/final minor subdivision plan dated October 22, 2021 for Paxton Street Terminals Corporation. The conditions are making final revisions to the plans based on comments from the township engineer and county planning department. Commissioner Ellis seconded the motion. The motion carried unanimously. This is Resolution 2022-03
  - 3. Commissioner Tuckey made a motion to approve the waiver from the subdivision and land development ordinance Section 253.10a.1B8L that requires submission of a sewage facilities planning module. Vice President Varner seconded the motion. Motion carried unanimously.
- B. **Approval of Plan No. 2021-08R for Brandton Estates:** The applicant has secured equitable ownership of a portion of a property located at 1024 Main Street in Oberlin. The applicant proposed to divide the lot into four pieces. The original plans are being revised to reflect the comments from County Planning, the Zoning Officer and the Township Engineer. The applicant is requesting a waiver from the subdivision and land development ordinance requirement for the submission of a preliminary plat. The township planning commission

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has recommended approval of the waiver and the revised finals plans. Engineering and zoning staff are satisfied with the revised plans, and also endorses the recommendation to approve the plans.

1. Commissioner Tuckey made a motion to approve the waiver from Section 253.11 of the Township Subdivision and Land Development Ordinance (SLDO) that requires the submittal of a preliminary plat. Commissioner Ellis seconded the motion. Motion carried unanimously.
  2. Commissioner Tuckey made a motion to approve Resolution R-2022-04 for the conditional approval of the preliminary/final subdivision plan dated October 27, 2021, for Brandon Estates 1024 Main Street. The conditions are making final revisions to the plans based on comments from the township engineer and county planning department. Commissioner Ellis seconded the motion. This is Resolution 2022-04.
  - C. **Financial Security Reduction for Volant Development Company:** Commissioner Tuckey made a motion to approve the reduction of M&T Bank Letter of Credit No. SB2234740001 that is being held for Volant Development by \$584,064.25. The remaining balance is \$84,865.00. Vice President Varner seconded the motion. Motion carried unanimously.
  - D. **Financial Security Reduction for Harrisburg, PA (SWC Derry & Milroy) LLC – Derry Street Burger King:** Commissioner Tuckey made a motion to approve the reduction of Lexon Insurance Company Bond No. LICX1196234 that is being held for Harrisburg, PA (SWC Derry & Milroy), LLC by \$106,962.90. The remaining balance is \$3,388.00. Commissioner Ellis seconded the motion. Motion carried unanimously.
  - E. **Approval of Revised Plan NO. 2021-05C for PTV 1220, LLC – Derry Street Dollar General:**

The applicant would like to construct a new retail sales building. The revised plans were revised on January 4, 2022, and submitted to the township. These plans were reviewed by the planning commission on January 11, 2021. There were some concerns about the geometry of the curve in the new driveway. The engineer representing the applicant stated they would comply with minor modifications that the township engineer deemed were necessary. The planning commission did recommend approval of the plan based on the condition that the applicant comply with the engineer's requests. All other conditions of the final plan approval are still in effect.

    1. Vice President Varner made a motion to approve Resolution R-2022-05 for conditional approval of the revised preliminary/final land development plan dated January 4, 2022, for PTV 1220, LLC. Commissioner Tuckey seconded the motion. The motion carried unanimously.
13. **Visitors Requests and Comments:**
- A. **Mike Farling, 620 Rutland Drive:** Would like to present his side of the story. Wanted to make sure all facts are correct.
14. **Possible Stormwater Violations:** None at this time.

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**15. Commissioners Requests and Comments:**

- A. **Commissioner Ellis:** Thanked Beth Sviden for attending the Reorganization Meeting on January 3. She participated in the PA State Association of Township Commissioners meeting. On behalf of Swatara Township she voted to send correspondence to the Governor and General Assembly that we are against tolling interstate bridges in the Commonwealth. She enjoyed her time spent serving on the Public Works and Stormwater Committees and thanked Director Webb and Stormwater Engineer Gralski for their hard work. She enjoyed working with the Dawood team and will continue working with Dawood Engineering on recreation projects. She thanked Dawood for securing approximately \$2,379,370 worth of grant funding for the Township thus far. Thanked visitors for coming out this evening.
- B. **Commissioner Boudier:** Nothing at this time.
- C. **Commissioner Tuckey:** At the prior Stormwater Meeting this evening the Solicitor position was brought up again. He wanted everyone to know nothing is going on and wanted to continue to work for the Township. Thanked everyone for coming out this evening.
- D. **Vice President Varner:** Thanked Commissioner Ellis for attending the PA State Association meeting.
- E. **President Zubeck:** Thanked Commissioner Ellis for attending the PA State Association meeting. She asked Manager Fosselman to verify the Township is still a member. Thanked the public works department for their work during the recent ice storm. Thanked everyone for coming out this evening.
16. **Executive Session:** No Executive Session will be held after this evening's meeting.
17. **Adjournment:** Commissioner Ellis made a motion to adjourn the meeting at 8:29 p.m., seconded by Vice President Varner. Motion carried unanimously.

  
Karen Alleman, Assistant Secretary