

MINUTES

SWATARA TOWNSHIP

REGULAR MEETING I

JULY 6, 2022

BOARD OF COMMISSIONERS

1. **Call to Order**: President Zubeck called the Regular Meeting I of the Swatara Township Board of Commissioners to order at 7:20 p.m., Wednesday, July 6, 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 Christine Zubeck, Shaela Ellis, Michael Tuckey, Jeff Varner and Richard Boudier were present. Also present: Township Manager Jim Fosselman, Assistant Manager Kim Kaufman, Solicitor Kevin Hall, Director of Public Safety Darrell Reider, Director of Public Works Todd Webb, Director of Planning and Zoning Robert Ihlein, Stormwater Coordinator Kevin Trafka, Fire Chief Michael Ibberson and Secretary Karen Alleman.
5. **Announce Executive Session**: An executive session was held prior to this evening's meeting to discuss potential litigation and personnel matters.
6. **Stormwater Ordinance Revision Presentation**: Mike Hess of Herbert Rowland and Grubic presented key updates to the existing Stormwater Ordinance. The Board must enact a new Stormwater Ordinance by September 1, 2022, to be in compliance with DEP's mandate. The Board will receive a draft of the ordinance at next week's meeting for review.
7. **Visitors Requests and Comments**:
 - A. **Matthew Lemmon, 2444 Parkway Boulevard, Harrisburg, PA 17103 (Volunteers with Paxtang Fire Company)**: Asked several questions of the Board regarding fire services and the safety of the public in relation to Swatara Township providing fire services to Paxtang Borough.

President Zubeck responded if residents have questions or concerns regarding police or fire services, instead of posting on social media, contact the Township. It is disrespectful to the Police and Fire departments to give out misinformation on social media without reaching out to township officials to make sure facts are stated. It is unacceptable. Be more respectful in the future, it is disrespectful to come before the Board to present concerns without having all the facts. What you have done to Police and Fire Services has been unacceptable. To say we cannot handle the number of calls, we are doing it now.
 - B. **Rebecca Frankenfield: 114 Kelso Street (Paxtang Borough)**: Took responsibility for social media posts regarding the visibility of police service in Paxtang Borough. She is disappointed with the agreement between Paxtang and Swatara for fire services. She is concerned about response times for fire services. She would like the Township to reconsider the agreement with Paxtang.

- President Zubeck asked her about a recent call for a cardiac arrest. Ms. Frankenfield said the response time was ten minutes and fifty-eight seconds. President Zubeck investigated the response time. She let the audience know that the actual response time was, there was someone on scene, and CPR had been administered in one minute. There was no reason to post the information on Facebook that was not true. We are constantly looking at response times and making improvements. We will do a great job for Paxtang Borough, we are doing a great job now.
- C. **Tom Connolly, 345 North Harrisburg Street:** He wanted to say anyone who puts in time as a volunteer firefighter, paid firefighter, or police officer, is a hero. Unfortunately, over time there are less and less volunteers. He was the President of the Board when Paxtang reached out to the Township to provide fire services. No one is better than Swatara Township Fire Services and Swatara Township Police Department. The social media bashing is ridiculous. Paxtang citizens tell the Township how much they appreciate the police services provided to them. The Paxtang Crime rate has fallen 38% in five years since the Township took over police services. Paxtang made the right choice with Swatara Police, and they made the right choice with Swatara Fire.
- D. **Deb Harvey, 105 South 47th Street:** She is asking for transparency, which she has not seen with the issue between the Township and Paxtang. She asked if any Commissioners approached firefighters from Paxtang. President Zubeck responded Paxtang Borough should have contacted their own firefighters. The Township was asked to provide a service to Paxtang by their Council.
- E. **Brenden Orth, 6310 Huntingdon Street:** Took a moment to reply to the criticism regarding a cardiac arrest call since it pertained to him, as did the Facebook post that Mr. Lemmon of the Paxtang Fire Company posted. Fire Chief Shane Steele performed CPR on the patient. He was attending a party and watched an individual collapse in front of him, ran to his department vehicle, got his AED, and pressed on the department computer to indicate that he was on scene as others were contacting 911. Mr. Orth responded to the call from his residence. When he arrived on scene there were several police officers already at the scene assisting with CPR. He was proud to say that our volunteers respond all hours of the day and night, every day of the week, every day of the year.
- F. **Susan Salerno, 580 Gaynor Lane:** There is a black box on a sign on Gaynor Lane. Lt. Stauffer let her know it is recording speed limits, information is transmitted to department computers via the Cloud. She would like to see a stop sign at Gaynor Lane and Council Drive. She would also like a "slow down" sign. Lt. Stauffer provided her with a sign. She asked why some residents along the newly paved

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Chambers Hill Road had raised curb along their property. President Zubeck said PennDOT contracted with Pennsy Supply to pave the roadway and in some areas, water must be diverted away from property. She would like to have curbing along her property. Mr. Ihlein said the contractor at Chambers Point asked for a waiver of sidewalks and was granted the waiver, a fee was paid instead.

- G. **Mary Klaus, 447 Pritchard Court:** Last Friday Chambers Hill Fire Company had a funeral for one of their own, Michelle Hummel. Michelle battled cancer for twenty years and always had an “I can beat this thing” attitude. She served many roles in the fire company. She started Michelle’s Sunshine Bags to help patients at the Hershey Medical Center undergoing chemotherapy. Her philosophy was always happiness is loving who you are. Michelle asked that the fire company keep the Sunshine Bags going when she wasn’t here anymore. Ms. Klaus asked if the Township would allow the donation box for the Sunshine Bags remain in the foyer of the municipal building. The Board agreed the donation box would remain in the foyer.
8. **Motion to Approve Agenda:** Commissioner Boudier made a motion to approve the agenda, Commissioner Tuckey seconded the motion. Motion carried unanimously.
9. **Motion to Approve Consent Agenda:** Commissioner Tuckey made a motion to approve the consent agenda items, seconded by Vice President Varner. Motion carried unanimously.
- A. Approval of Proposal for Dewey Street Traffic County by Dawood Engineering
 - B. Approval of Renewal for Municipal Snow Removal with PennDOT
 - C. Approval of Project Healing Waters Fly Fishing to Meet at Municipal Building
 - D. Approval of Gaming Grant Support Letter for Midland Cemetery
 - E. Authorization to Initiate Action Against Norfolk Southern to Abate Stormwater Nuisance
 - F. Authorization to Appeal Conditional Use Deemed Approval for Bonnymeads EDP LP and Harrisburg Mall LP
10. **Consideration of Minutes: Regular Meeting II of June 8, 2022:** Commissioner Ellis made a motion to approve the Regular Meeting II minutes of June 8, 2022, as presented. Vice President Varner seconded the motion. The motion carried unanimously.
11. **Consideration of Resolution: Special Purpose Parking at 880 Highland Street:** Commissioner Ellis made a motion to approve the special purpose parking request for 880 Highland Street, seconded by Commissioner Tuckey. Motion carried unanimously. This is Resolution 2022-25
12. **Consideration of Resolution: Stop Sign at Attick Avenue and 2nd Street:** Commissioner Tuckey made a motion to approve the stop sign at Attick Avenue and 2nd Street,

seconded by Vice President Varner. Motion carried unanimously. This is Resolution 2022-26.

13. **Consideration of Resolution: Intermunicipal Fire Protection Agreement with Paxtang Borough:** No action was taken.

14. **Subdivision/Land Development Plans:** Director of Planning and Zoning Robert Ihlein reported the following:

A. **Preliminary/Final Land Development Plan for Capitol Manor Plan 2022-06R:**

Hennick Construction, through Hanover Engineering Associates, submitted a preliminary/final land development plan for a townhouse development. There are 3 adjoining lots located between Derry Street and Sherwood Street near 38th Street. The land development consists of constructing 3 buildings containing 6 units apiece, for a total of 18 units. The developer desired a full-service driveway entrance onto Derry Street but was denied by PennDOT. The driveway will be constructed as an emergency use only entrance on to the property from Derry Street. The private driveway connects with Sherwood Street, which then connects with 38th Street. All resident traffic will need to travel along those streets. There are sidewalks along the Derry Street frontage. The Township Engineer is satisfied that there is sufficient capacity on the Township roads to handle the additional vehicle trips. The development will have its own stormwater management systems. The applicant is willing to pay the fee in lieu of constructing sidewalks along the Sherwood Street frontage. The original plans have been revised to reflect the comments from County Planning, the Zoning Officer, the Township Engineer, and the Township Stormwater Engineer. The applicant is requesting one waiver from the Subdivision and Land Development Ordinance. The Township Planning Commission has recommended approval of the waivers and the revised final plans. Engineering and zoning staff are satisfied with the revised plans and endorses the recommendation to approve the plans.

There are six action items for consideration:

1. Approval of a waiver from Section 253.11 of the township subdivision and land development ordinance that requires the submittal of a preliminary plat.
2. Approval of a waiver from Section 253.31 of the township subdivision and land development ordinance that requires the construction of curbs.
3. Approval of a waiver from Section 253.32 of the township subdivision and land development ordinance that requires the construction of sidewalks and accept the fee in lieu of.
4. Approval of a modification from Section 247-12B of the township stormwater management ordinance regarding volume controls.

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5. Approval of a modification from Section 247-26.D of the township stormwater management ordinance regarding the width of stormwater easements on the property.

Commissioner Tuckey made a motion to approve item 1 through 5, the waivers and modifications, seconded by Commissioner Boudier. Motion carried unanimously.

6. Approval of resolution for conditional approval of the preliminary/final lot consolidation and land development plan dated 10/2/2021 and last revised May 26, 2022. Commissioner Tuckey made a motion to approve Resolution 2022-27, seconded by Vice President Varner. Motion carried unanimously.
- B. Notice of Zoning Hearing for Case No. 2022-003 Smith Land and Improvement Corporation
- C. Notice of Zoning Hearing for Case No. 2022-004 Bonnymeades EPD LP
- D. Notice of Zoning Hearing for Case No. 2022-005 Harrisburg Mall LP
Mr. Ihlein gave an overview of the Zoning Hearing cases. President Zubeck asked for a motion to authorize the Township Solicitor to appear on behalf of the Township and oppose appeals as per stated in Items B through D. Commissioner Tuckey made the motion, seconded by Vice President Varner. Motion carried unanimously.
- E. Notice of Zoning Hearing for Case No. 2022-006 Cellco Partnership d/b/a Verizon Wireless. No action required by the Board at this time regarding this item.

15. **Visitors Requests and Comments:**

- A. **Lisa Neiter, 6140 Hocker Drive:** Had the opportunity to do a police ride along. She said it was eye opening and enjoyed the experience. She was impressed by the professionalism of the officers, and the K-9's when working on the street. She thanked the Police Department for the opportunity to participate and hoped the public would continue to contribute to the K-9 program. She reminded everyone to keep the Police Department in their thoughts and prayers every day.
- B. **Tom Connolly, 345 North Harrisburg Street:** The presentation to Paxtang regarding providing fire services was made at a public meeting of the Paxtang Borough Council. There were questions from the elected officials and the public. Several police officers as well as Fire Chief Ibberson were at the meeting. Paxtang asked the Township for a presentation in a public setting. These requests are not uncommon of Swatara Township. Other municipalities approach Swatara in a private way and have conversations regarding fire and police services. During his tenure there was no less than ten times that conversation came up, and every time it was initiated by the other municipality, not Swatara Township. He feels the police department is doing a great job on two things, subsidizing fireworks and the motorcycles and ATVs.
- C. **Matthew Lemmon, 2444 Parkway Boulevard, Harrisburg, PA 17103:** He wanted to point out that nothing he addressed was blaming the Township for the actions of

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Paxtang Borough. He wanted to address failure of the Township to serve itself. He feels the information he put out cannot be considered misinformation because it is all real time recordings from the County 911 Center. He is advocating for the public and their safety.


President Zubeck asked him to be respectful in his capacity as a Captain at his fire company. She invited him to put in an application to be a volunteer with Swatara Fire Services.

Commissioner Varner said our fire and police departments have been leaders in the County in coordinating and preparing for events that have occurred across the country. We are proactive, not reactive.

President Zubeck said our guarantee is that Swatara cares about public safety, we will respond, and we are consistent. She asked Mr. Lemmon to address his issues and questions with Paxtang Borough. She asked that he be more respectful to Paxtang than he was tonight. Our fire services would never demean Paxtang fire services. She asked that in the future he reach out to our chiefs and speak with them regarding any issues he may have.

- D. **Tom Garlic, 6050 Hocker Drive:** Asked the Solicitor if the zoning appeal issues have any ground. Solicitor Hall said the Board made the determination to pass an ordinance that would restrict the ability of anyone to put warehouses in the CH or CG Districts. The applicants filed conditional use applications despite that fact. The Board has taken the position that the conditional use applications were improper, that is why he was authorized to participate and oppose those zoning appeals.
- E. **Deb Harvey, 105 South 47th Street:** She wanted to know how it would benefit residents of Swatara Township to takeover Paxtang Fire Company. President Zubeck said the Township is helping another municipality who asked us to help provide services in that area. The benefits are neutral, we are helping another municipality. Ms. Harvey asked if the Township would be short handed in regard to fire service while providing a service to Paxtang. President Zubeck said we are doing it now, and we are under no obligation to provide mutual aide, we were asked to cover Paxtang Borough, a quarter of a mile. There is no negative impact to our residents, and we are providing a service to a neighboring municipality, just like we do with police services. Our firefighters are more than happy to provide this service to Paxtang.
- F. **Gavin Ford, 3731 Rutherford Street:** He would like the Township to hire part time firefighters. He said during the previous budget year, the directors for fire services and police asked for more manpower and were told no. President Zubeck said that was not correct. Police have a timeline for hiring officers due to retirements, resignations, etc. Director Reider said as part of the budget process, in his five-year

- plan, he would need additional officers. It did not fit this year's budget, and he accepted that. Officers will be hired as needed.
- G. **Rebecca Frankenfield: 114 Kelso Street (Paxtang Borough)**: Her goal this evening is to give some food for thought. She feels Swatara can provide fire services to Paxtang, but there are other players in the game that can be better at providing service to Paxtang. Is Swatara doing the best for Paxtang residents? She is not sure that Swatara is.
16. **Possible Stormwater Violations**: None at this time.
17. **Commissioners Requests and Comments**:
- A. **Commissioner Ellis**: Thanked everyone for attending the meet and greet movie night on June 18. Welcomed Mr. Webb back to work. Thanked all the first responders. Thanked everyone in the audience this evening.
- B. **Commissioner Boudier**: He thinks the police and fire chief are well aware of his support and appreciation for all that they do.
- C. **Commissioner Tuckey**: Thanked everyone for coming out this evening and sent thoughts and prayers to Michelle Hummel's family.
- D. **Vice President Varner**: Thanked the police and fire service personnel, everything they do is truly appreciated.
- E. **President Zubeck**: The meet and greet went well, she enjoyed the movie. Welcomed Mr. Webb back to work. Thanked all first responders and is very confident in their ability. We do a good job responding, everyone works very hard, and she has all the confidence in the world that Swatara will continue to provide the quality service that residents in Swatara Township deserve.
18. **Adjournment**: Commissioner Boudier made a motion to adjourn the meeting at 9:06 p.m., seconded by Commissioner Ellis. Motion carried unanimously.


Karen Alleman, Township Secretary