

MINUTES

SWATARA TOWNSHIP

REGULAR MEETING II

February 8, 2023

BOARD OF COMMISSIONERS

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, February 8, 2023. 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, and Jeff Varner were present. Commissioner Richard Boudier had an excused absence this evening. Also present: Manager Jim Fosselman, Assistant Manager Kim Kaufman, Solicitor Kevin Hall, Deputy Chief Tom Stauffer, Lieutenant David Milsteen, Director of Planning and Zoning Robert Ihlein, Director of Public Works Todd Webb, Fire Chief Mike Ibberson and Secretary Karen Alleman.
5. **Announce Executive Session:** No executive session was held this evening.
6. **Visitors Requests and Comments:** None
7. **Motion to Approve Agenda:** Commissioner Tuckey made a motion to approve the agenda, seconded by Commissioner Varner. Motion carried unanimously.
8. **Motion to Approve Items on Consent Agenda:** Commissioner Varner made a motion to approve the consent agenda, seconded by Commissioner Tuckey. The motion carried unanimously.
 - A. Monthly Departmental Reports
 - B. Committee Reports
 - C. Codes Report
 - D. Approval of Police Ride Alongs - Anthony Pagliei, Mateo Rendon, Orlando Monroy
 - E. Approval of Summer Seasonal Employee - Brian Divens
 - F. Approval of Letter of Support for Bhutanese Community - Community Matters Grant
 - G. Approval of Letter of Support and Proclamation for PA 811 Safe Digging Month
9. **Consideration of Minutes: February 1, 2023:** Commissioner Tuckey made a motion to approve the February 1, 2023, Regular Meeting I minutes, seconded by Commissioner Varner. Commissioner Ellis felt the minutes reflected extensive information from President Zubeck's comments and a brief overview of her comments. She requested the same level of detail be utilized for each. She requested either the President's views reflect

a brief overview or add more information from what she stated. The same level of detail should be utilized for each. President Zubeck asked the Secretary to review the comments. Commissioner Tuckey made a motion to table the minutes to the March 1, 2023, meeting, seconded by Commissioner Ellis. Motion carried unanimously.

10. **Reports**

- A. **Manager's Report**: Nothing this evening.
- B. **Treasurer's Report**: Commissioner Tuckey made a motion to approve the January 2023 Treasurer's Report as presented, seconded by Commissioner Varner. Motion carried unanimously. Commissioner Ellis asked why there was a \$1,200,000.00 disbursement from the Capital Reserve Fund. Manager Fosselman said it was a loan to the General Fund to cover expense payments before taxes start coming in. He said this is a common practice. The money will be replaced when taxes begin to come in.
- C. **Solicitor's Report**: Solicitor Hall discussed three matters this evening. 1) Norfolk Southern Stormwater Litigation. The parties are still attempting to come to terms on a potential mediation. If a potential mediation cannot be reached by the parties the Federal Court will make a decision on the Motion of Remand that has been filed on behalf of the plaintiffs to determine if the case should remain in Federal Court or go back to Dauphin County Court of Common Pleas. 2) Commonwealth Court decision of West Chester Borough v. West Chester University. The Court made a non-precedential decision that could impact any stormwater fees that are charged throughout the Commonwealth. They could potentially prohibit municipalities from charging stormwater fees to nonprofit entities or tax-exempt entities. This has been appealed to the PA Supreme Court. 3) Litigation regarding 892 North Third Avenue. This matter has been stayed pending discussions with the Township, the current homeowner and prior homeowner regarding remediation of the property. There was a pre-construction site visit which resulted in a positive manner. An arrangement has been made to remediate to the Township's satisfaction.
- D. **Swatara Rising Comprehensive Plan**: Director Ihlein presented his report to the Board. The 2025 Swatara Rising Comp Plan is about three years old now. One of the big concerns was transportation, and this can be seen by the 83 Project currently underway. This municipality is really resilient and a lot of property owners displaced by the 83 project have decided to stay within the Township. The Faulkner car dealerships, St. John's Properties (Harrisburg Mall) and many displaced residents have chosen to stay in the Township.
- E. **Fire Services/EMS Report**: Fire Chief Ibberson presented his report to the Board. Average response time was 4 minutes and 35 seconds. The average turnout was 9.6 with 66 active responders. He thanked the Commissioners for all of the support that they give the Fire Services Department, especially when it comes to mental health. He is submitting a Regional Assistance to Firefighter Grant through FEMA, they are

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hoping to replace all portable radios (60 in total) at a cost of \$400,079.00. The current radios are obsolete. There will be a controlled burn beside The Wharf on February 13 and 14.

Joel Hocking of Community Life Team presented his report to the Board. For the month of January, there were 300 calls. Average response time for Class One calls was 9 minutes and 39 seconds. For the year of 2022 there were a total of 3,873 requests for EMS service. Life Team covered 3,502 of those calls with an average response time of 9 minutes and 44 seconds to Class One calls. The entire Life Team team covered these calls for the southern end of Dauphin County.

- F. **Public Safety Report:** Deputy Chief Stauffer presented his report to the Board. A Senior Resource Fair will be held on Wednesday, April 26 from 10:00 a.m. to 2:00 p.m. at the LCBC Church, 4150 Chambers Hill Road. Coffee With A Cop will held tomorrow, 9:00 a.m. at the municipal building. Commissioner Ellis asked what the difference was between a mobile patrol and a foot patrol. Deputy Chief Stauffer said a foot patrol is when an officer is on foot patrolling while walking. A mobile patrol is in a vehicle, specific to an area where extra attention may be needed.

11. **Appointments to Boards and Commissions:** Commissioner Varner made a motion to appoint Mr. Jack Harlacker to the Fire Services Committee, seconded by Commissioner Tuckey. Motion carried unanimously.
12. **Consideration of Resolution: Suspension of Banners Over Derry Street for Senior Fair, National Night Out, Halloween Walk Through and Hero Run:** Commissioner Ellis made a motion to approve the placement of banners over Derry Street for township activities. Commissioner Varner seconded the motion. Motion carried unanimously. This is Resolution R-2023-14
13. **Subdivision/Land Development Plans**
- A. **Approval of Reduction of Site Improvement Bond for Schaedler/Yesco Distribution:** Commissioner Tuckey made a motion to approve the reduction of Fidelity and Deposit Company of Maryland Bond No. PRF9370651 by \$438,968.65 that is being held for Schaedler Yesco Distribution, Inc. The remaining balance should be \$13,237.40. Commissioner Ellis seconded the motion, motion carried unanimously.
- B. **Announcement of Zoning Hearing for Mumma Realty Associates on March 15, 2023:** Director Ihlein gave notice of an upcoming Zoning Hearing on March 15 at 7:00 p.m. for Mumma Realty Associates. They own property at 2750 Paxton Street, and due to the 83 expansion project, PennDOT is partially removing a building containing a billboard. Mumma Realty Associates is asking for two easement variances. Mr. Ihlein will be in attendance at the hearing.

14. Visitors Requests and Comments:

- A. **Rachel Yanich, 524 3rd Street:** She feels she is being issued citations for the same violations that are occurring on the same block as her. President Zubeck said she would speak with the Code Office.
- B. **Mary Klaus, 447 Pritchard Court:** Announced the Chambers Hill Fire Company will begin holding all you can eat fish fry's on February 17. Meals begin at 4:30 p.m. and run until 7:00 p.m.

15. Possible Stormwater Violations for Investigation: Nothing at this time.**16. Commissioners Requests and Comments:**

- A. **Commissioner Ellis:** Addressed comments from last week regarding the process used for choosing the former architectural firm. She said last week it was stated that the general consensus of the employees chose Kimmel Bogrette, that is not accurate. There is a document prepared by Dawood Engineering that has the scoring (vetting) process. There were seven firms interviewed by a committee consisting of Manager Fosselman, Assistant Manager Kaufman, Chief Reider, Fire Chief Ibberson, Public Works Director Webb and Facilities Manager Orth. Three architects were chosen from the group, two were tied for first, one was Manns Woodward. Both of them had a score of 91, Kimmell Bogrette's score was an 86. Those three firms were interviewed a second time and another vote was taken by the same members of the committee. Costs were not taken into account at that point. It was between Murray and Manns at the top, Kimmel Bogrette only had three votes at the time. Everyone voted for two firms at the time. With costs in mind, Manns was selected as the least expensive of the two.

Numerous times it was stated that there was a \$37 million cost estimate, that is accurate. That number came from all of the wish list items that were compiled from a focus group that was performed with volunteer firefighters, EMS, police officers and public works. The wish list was where that number came from, and that was not acceptable. They worked with Manns Woodward to bring the cost down to something that was more manageable. The last cost estimate she has brought it down to \$28,790,490.00 which did include an estimate for site work. Even at that amount she felt uncomfortable presenting that to the public because she did not feel that that was something we could manage. We were working back and forth up until January 13, 2022, that is the most recent draft prior to the firm being terminated. We were still working on getting to a figure that was presentable or she was comfortable presenting to the public. She hopes this is the last time this has to be addressed. She has no problem sharing the documents, or the draft proposal.

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In response to Commissioner Varner stating that he reached out to her for information and she did not provide it. She looked back through her notes and her phone and the conversation took place on January 12, 2022. The last draft came out on the 13th. At the time of the conversation she said she did not have the information and she could set up a meeting with the Board and the firm so that we could have an information session. She never heard anything back whether that would take place and in April that firm was terminated and a new firm was engaged. She wanted to make it clear that again, Kimmel Bogrette was never the first place choice, they were always the third place. She has documents to show that. There's nothing wrong with the Board, with the majority of the Board deciding to go in a different direction, that is their prerogative. At the time the focus was on public safety, the majority of the Board decided that wasn't the focus that they wanted to go with, they wanted to include administration. There's nothing wrong with that. The issue that she has is with the misrepresentation of facts that have been presented to the public.

She wanted to clear the air, present the information, she has documents to support what she is saying. She wanted to make it abundantly clear to everyone in the room, this Board, everyone watching, that if she speaks to the public you can bet she has vetted the information, fact checked, researched and nine times out of ten will have a document, email or note that supports what she is saying. She does this because that is what the public deserves, accurate information. She wants the accurate information to be out there. She feels we are beating a dead horse and does not want to visit this again, she just wants accurate information out there.

February is Black History Month. There are two areas in Swatara Township that have ties to local Black history. First is the Martin Luther King, Jr. Memorial Garden and Monument that is on the Greenbelt located between 19th Street and Five Senses parking area. Second is the Historic Midland Cemetery in the 200 block of Kelker Street. This cemetery is the final resting place for about 100 Black veterans and also the final resting place for baseball player Rap Dixon. Through the hard work of Barbara Barksdale, the Cemetery is now placed on the National Register of Historic Places. The Greenbelt and Midland Cemetery are always accepting volunteers. Please visit their websites for more information.

AARP is doing tax returns for seniors at no charge. Google the AARP tax locator to set up an appointment at the municipal building.

- B. **Commissioner Tuckey:** When the other Commissioners are before the public, they also make sure things are factual. The plans from the former architect were for \$37-38 million and did not include the site development plan, administration, or factor in

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inflation. It was well over what the public was willing to pay. This Board did take into consideration public safety. The plans that are now hanging throughout the room show that, staff had a hand in designing the new building, it was not just a handful of them. A lot of thought went into it, it is a good use of taxpayer's money. This Board stopped a plan that was basically watered down at a certain point to get it down to a level of spending and did not even touch the administration building. This building needs some serious work, it would have to be gutted out and major work completed. It makes much more sense with the plans shown around the room. He would not like to beat a dead horse either but if he or another Commissioner is speaking, they are factual.

C. **Vice President Varner**: Nothing this evening.

D. **President Zubeck**: She would not like to beat a dead horse either. Her comments last month and last week were completely factual. She has all of the documentation. She would not sit here and represent something that is not factual. She has the numbers to share with anyone who would like to reach out. Staff is also available for questions and to provide documentation. She feels that the fact that cost was not taken into consideration, a statement made this evening, shows it was a flawed process from the beginning. Cost should have been taken into consideration. She stands by everything she has said.

She congratulated Barbara Barksdale for her hard work to get the Midland Cemetery placed on the National Register of Historic Places.

9. **Adjournment**: Commissioner Ellis made a motion to adjourn the meeting at 8:01 p.m., seconded by Commissioner Tuckey. Motion carried unanimously.


Karen Alleman, Township Secretary

SWATARA TOWNSHIP
COUNTY OF DAUPHIN
COMMONWEALTH OF PENNSYLVANIA

TREASURER'S REPORT

TREASURER : James R. Fosselman	January 2023
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	BEGINNING BALANCE	RECEIPTS	DISBURSEMENTS	ENDING BALANCE
GENERAL FUND	\$6,625.53	\$1,936,173.69	\$1,330,290.48	\$612,508.74
GENERAL PAYROLL	\$65,420.70	\$651,055.56	\$655,452.01	\$61,024.25
GENERAL FUND	\$72,046.23	\$2,587,229.25	\$1,985,742.49	\$673,532.99
FIRE FUND	\$250,190.62	\$19,349.78	\$116,191.40	\$153,349.00
FIRE RESERVE	\$306,771.69	\$1,180.92	\$0.00	\$307,952.61
FIRE PROTECTION FUND	\$556,962.31	\$20,530.70	\$116,191.40	\$461,301.61
DEBT SERVICE FUND	\$16,837.22	\$11,846.32	\$0.00	\$28,683.54
SWATARA AMBULANCE EMS FUND	\$14,557.86	\$710.33	\$8,250.00	\$7,018.19
LIQUID FUELS FUND	\$596,019.79	\$1,894.79	\$245,828.52	\$352,086.06
CAPITAL RESERVE FUND	\$4,094,520.16	\$12,447.97	\$1,200,000.00	\$2,906,968.13
CAPITAL PROJECTS FUND	\$19,679,200.19	\$75,765.19	\$3,780.00	\$19,751,185.38
POLICE BOOKING	\$4,072.39	\$36.25	\$2,199.00	\$1,909.64
POLICE DONATIONS	\$23,759.28	\$28.29	\$0.00	\$23,787.57
POLICE 5K RUN	\$3,704.93	\$4.38	\$40.60	\$3,668.71
POLICE FEDERAL FORFEITURE	\$500.60	\$0.59	\$0.00	\$501.19
POLICE DA	\$641.80	\$0.77	\$0.00	\$642.57
POLICE K-9	\$83,351.62	\$99.45	\$212.33	\$83,238.74
FIRE DONATIONS	\$1,360.10	\$811.90	\$0.00	\$2,172.00
SPECIAL FUNDS	\$117,390.72	\$981.63	\$2,451.93	\$115,920.42
SIDEWALK ESCROW	\$55,501.39	\$66.07	\$0.00	\$55,567.46
RECREATION	\$27,113.72	\$32.28	\$0.00	\$27,146.00
OLDS RESERVE	\$26,238.31	\$977.36	\$1,540.16	\$25,675.51
COVID-19 ARPA GRANT	\$4,195.78	\$5.00	\$0.00	\$4,200.78
GROWING GREENER GRANT	\$2,890.38	\$3.44	\$0.00	\$2,893.82
TOTAL FUNDS	\$25,263,474.06	\$2,712,490.33	\$3,563,784.50	\$24,412,179.89

ALL ABOVE MONETARY ACCOUNTS HAVE BEEN RECONCILED WITH BANK STATEMENTS AS OF JANUARY 31, 2023 AND TRULY REFLECT THE BALANCES AS OF THAT DATE

JAMES R. FOSSELMAN, FINANCE DIRECTOR and TREASURER