

MINUTES

SWATARA TOWNSHIP

REGULAR MEETING II

September 13, 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 7:05 p.m. Wednesday, September 13, 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, Jeff Varner and Richard Boudier were present. Also present: Manager Jim Fosselman, Assistant Manager Kim Kaufman, Solicitor Kevin Hall, Director of Public Safety and Sergeant-at-Arms Darrell Reider, 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**: An Executive Session was held to discuss litigation.
6. **Notice of Hearing Postponement for Amendment to Zoning Ordinance and Zoning Map – Hearing Rescheduled for Wednesday, October 11 at 7:15 p.m.**: President Zubeck said the hearing has been rescheduled for October 11, 2023, at 7:15 p.m.
7. **Promotion of Cpl. Jason Lex**: Director Reider introduced Officer Lex to the audience. Magisterial District Judge Lenker administered the Oath of Office promoting Officer Lex to Corporal Lex. Corporal Lex's wife and children presented him with his new badge.
8. **Visitors Requests and Comments**: Lesla Sheeder, Paxtang Lions Club: Asked for the Board's permission to place a collection box in the lobby of the municipal building to collect personal hygiene items to be distributed through the Harrisburg Area Food Pantry. Donations will be accepted between October 16 and November 3.
9. **Motion to Approve Agenda**: Commissioner Tuckey made a motion to approve the agenda, seconded by Commissioner Varner. Motion carried unanimously.
10. **Motion to Approve Items on Consent Agenda**: Commissioner Varner made a motion to approve the consent agenda, seconded by Commissioner Boudier. The motion carried unanimously.
 - A. Monthly Departmental Reports
 - B. Committee Reports
 - C. Codes Report
 - D. Approval of Educational Incentive Request for Officer Gartland

E. Approval of Conclusion of Probationary Period for Officer Porter

11. **Consideration of Minutes: August 9, 2023 and September 6, 2023:** Commissioner Tuckey made a motion to approve the Regular Meeting II minutes of August 9 and the Regular Meeting I Minutes of September 6, 2023 as presented. Commissioner Boudier seconded the motion. Motion carried unanimously.

12. **Reports**

A. **Manager's Report:** Nothing this evening.

B. **Treasurer's Report:** Manager Fosselman presented the August Treasurer's Report to the Board. Commissioner Tuckey made a motion to approve the July and August Treasurer's Reports as presented. Commissioner Ellis seconded the motion. Commissioner Ellis asked for details regarding fire protection fund disbursements in June and August. Manager Fosselman will look up the figures and email them to all Commissioners. She also requested information regarding the expenses paid out of the capital projects fund for the month of August. Motion carried unanimously.

Manager Fosselman said the Township's Liquid Fuels Fund was recently audited by the State. There were no findings.

C. **Solicitor's Report:** Solicitor Hall discussed two items 1) Bonneymeade Appeal – a challenge was made to the application of a pending ordinance doctrine as applied to removal of warehousing in a C-G District. The case has been scheduled for argument in the Dauphin County Court of Common Pleas in early November. 2) The Smith Land Appeal of the Zoning Hearing Board has filed their brief in support of the Township's position. The Commonwealth Court should soon schedule argument in that matter.

D. **Swatara Rising Comprehensive Plan:** Director Ihlein presented his report to the Board. The Township is continuing to rise with transportation improvements. The Route 322/Grayson Road project is well underway. More demolitions are apparent in the 41st and York Street areas due to the I-83 project. A major contracting firm is taking over the former AMP headquarters building on Port View Drive. He congratulated Stormwater Coordinator Kevin Trafka and the Stormwater Authority on the Spring Creek Restoration Project. He also thanked Code Officers Omar Sarotic and Henry Good for their hard work.

E. **Fire Services/EMS Report:** Fire Chief Ibberson presented his report to the Board. Average response time was 5 minutes and 10 seconds. The average turnout was 7.6 with 59 active responders. Paxtang Borough did not respond to any calls for service. Crews are currently preparing for Fire Prevention Month in October. A Sound the Alarm Event was held on Friday in partnership with the Red Cross and United Way. Eighty-six smoke detectors were installed. Smoke detector installation requests may be made on the website for any area of the Township.

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President Zubeck asked for a list of events scheduled for October. Chief Ibberson said the events are still being prepared but would be listed on the website. Visits will be made to multiple schools and day cares. President Zubeck thanked fire services for everything they will be doing in October.

Chief Ibberson read the Community Life Team report to the Board. For the month of August, there were 294 calls, mutual aid covered 34 calls for service. The average response time was 9 minutes and 30 seconds.

- F. **Public Safety Report:** Director Reider presented his report to the Board. The recent chicken BBQ, prepared by the Yanich family, raised close to \$4,000. Over five years, close to \$30,000 has been raised for the K-9 Fund by the Yanich's. He thanked Fire Services for displaying the flag at the event. Coffee With a Cop will be held tomorrow at 9:00 a.m. A Halloween Walk Thru will be held at Vanatta Park on Thursday, October 26 from 6:00 p.m. to 7:30 p.m. Commissioner Ellis thanked the Yanich family for conducting the chicken BBQ. She asked for the date Trick or Treat will be held. Director Reider said it will be held on October 31 from 6 to 8 p.m.

13. **Consideration of Proposal in Response to RFP for Bishop Park:** Commissioner Varner made a motion to award the RFP for the Bishop Park Development Project to H. Edward Black and Associates. This includes an updated master plan, preliminary land development plans, phase I final land development plans, and to proceed with construction and land development plans. Motion seconded by Commissioner Ellis. Motion carried unanimously.

14. **Subdivision and Land Development Plans:**

A. **Plan 2023-07C: Preliminary/Final Lot Consolidation and Land Development Plan for Swatara Township Municipal Complex:** This is the redevelopment of the municipal property located at 599 Eisenhower Boulevard. The plan is to redevelop the property in stages to create a new municipal complex that will provide a new office building for the administration and police departments, a new building for the public works department and their trucks, and new road and storage facilities. The applicant has requested three full waivers and one partial waiver. The first waiver is regarding the requirement to submit a preliminary plan. The second has to do with the scale used for the building plans. The partial waiver regards construction of sidewalks. The fourth is a waiver of one of the requirements of the Stormwater Management Ordinance related to fencing around stormwater retention basins. The Township Planning Commission reviewed the request for sidewalk waiver and voted not to recommend approval, especially for the Eisenhower Boulevard frontage. The Planning Commission did agree that sidewalks are not necessary along the Swatara Drive frontage at this time.

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 Township Planning Commission has recommended approval of three of the waivers and the revised final plans.

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Engineering and zoning staff are satisfied with the revised plans. The applicant will have to comply with the standard conditions of final plan approval.

Christine Hunter of H. Edward Black and Associates was present to explain the waiver requests to the Board.

1. Commissioner Tuckey made a motion to approve the waiver of the Subdivision and Land Development Ordinance Sections 23.11 and 12 that requires the submittal of a preliminary plat and Section 253-10A(1)(b)[5] to provide a separate plan drawing at a scale of one-inch equals one-hundred-foot scale, and the deferral of construction of sidewalks until sometime in the future under Section 253-32A. Commissioner Varner seconded the motion. Commissioner Ellis believes the construction of sidewalks along Eisenhower Boulevard should be done now and incorporate them later along Swatara Drive.

Commissioner Ellis asked for an explanation of why the design plans for the municipal building were done by Kimmel Bogrette and now H. Edward Black and Associates is presenting a land development plan for the municipal building. Assistant Manager Kaufman said H. Edward Black was engaged by Kimmel Bogrette to complete the land development plan. Ms. Hunter said Kimmel Bogrette are architects and they do land planning. They do feasibility studies and site concepts, they don't do land development plans. They don't have civil engineers, they don't do this level of detail on site plan. They design the building. They did the feasibility study and preliminary concepts. H. Edward Black Associates are the consultants to Kimmel Bogrette for site plans.

The motion carried unanimously.

2. Commissioner Tuckey made a motion to approve the waiver from Section 247.17.A(7) of the Stormwater Management Ordinance that requires a four-foot-high fence around a stormwater management basin. Commissioner Varner seconded the motion. Commissioner Ellis asked why the stormwater basin would not have a fence around it when events for children are held at the municipal building. Ms. Hunter said Dawood Engineering has approved the waiver. The basins are dry basins, not ponds. It would be extremely rare when three feet of water would be in the basin, they are designed to infiltrate storm water within 72 hours. Motion carried unanimously.

3. Commissioner Varner made a motion to approve Resolution R-2023-44 for conditional approval of the preliminary/final land development plan for the Swatara Township Municipal Complex, seconded by Commissioner Tuckey. Motion carried unanimously.

B. Plan 2023-06R: Minor Land Development Plan for Parcels 63-060-106, 63-060-107 and 63-060-108: The Board approved a related 4-lot subdivision plan in 2021. A builder has

purchased the three building lots and desires to construct single family dwellings on each one. The applicant has requested two waivers. The first request is to waive the requirements to submit a preliminary plan. The second request is in regard to the required setback of a stormwater BPM from a lot line. 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 Township Planning Commission has recommended approval of the waivers and the revised final plans. Engineering and zoning staff are satisfied with the revised plans. The applicant will have to comply with the standard conditions of final plan approval.

1. Commissioner Tuckey made a motion to approve the waiver of the Subdivision and Land Development Ordinance from Section 253.11 and 12 that requires the submittal of a preliminary plat. Commissioner Varner seconded the motion. Commissioner Ellis asked how many new homes would be constructed. Mr. Ihlein said three new homes would be constructed. Solicitor Hall asked Mr. Ihlein to discuss street access of the new homes. Mr. Ihlein said they would have access from Chambers Street. Solicitor Hall asked if there would be a rear entrance. Mr. Ihlein said one lot would have access from Schoolhouse Alley. Commissioner Ellis asked if the driveways were going to be pervious and provide a description. Mr. Ihlein said they would be pervious with a special type of paving to allow stormwater to flow through, yet sturdy enough to support a vehicle parked upon it.

Motion carried unanimously.

2. Commissioner Tukey made a motion to approve one waiver from Section 247.17b(13) of the Stormwater Management Ordinance that requires stormwater facilities to be set back a minimum of ten feet from a lot line. Commissioner Ellis seconded the motion. Motion carried unanimously.

3. Commissioner Tuckey made a motion to approve Resolution R-2023-45 for conditional approval of the preliminary/final land development plan for parcels 63-060-106, 63-060-107 and 63-060-108 along Chambers Street. Commissioner Varner seconded the motion. Motion carried unanimously.

C. Plan 2023-08C: Preliminary/Final Land Development Plan for GW Signs: The applicant, George Williamson, is the owner of a sign business currently located at 100 South 41st Street. The Commonwealth has mitigated his property for the I-83 construction project, and he will be moving to the corner of Chambers Hill Road and Route 322. The applicant has requested two waivers. The first is a common waiver request regarding the requirements to submit a preliminary plan. The second request has to do with the scale of a required drawing in the plan set. A larger scale is being provided. Regarding sidewalks, this is a location where they would not be appropriate at this time. The applicant has agreed to pay the fee in lieu of as permitted in

the land development ordinance. The original plans have been reviewed to reflect the comments from County Planning, the Zoning Officer, the Township Engineer, and the Township Stormwater Engineer. 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. The applicant will have to comply with the standard conditions of final plan approval.

President Zubeck asked for a motion to approve all items for this plan under one motion. Commissioner Tuckey made a motion to approve all waivers and conditional approval of the preliminary/final land development plan under one motion. Commissioner Varner seconded the motion. Motion carried unanimously.

Commissioner Tuckey made a motion to approve the two waivers of the Subdivision and Land Development Ordinance from Section 253.11 and 12 that requires the submittal of a preliminary plat and from Section 253.10 A(1)(b)(5) that requires a separate area drawing at the one-inch equals one hundred feet scale. The motion also included the conditional approval of the preliminary/final land development plan dated July 2023. Commissioner Varner seconded the motion. Commissioner Ellis asked for an explanation of the property, which is shaped like a triangle. Mr. Ihlein said because of the odd shaped lot, Mr. Williamson did obtain variances from the Zoning Hearing Board for construction. Motion carried unanimously. This is Resolution R-2023-46.

D. Approval to Post Traffic Signs as Part of the Eisenhower Boulevard Business Park

Project: Mr. Paul Wood, P.E., from Penonni Associates are the land development engineers for the Eisenhower Business Park plan. The driveway is accessing Highspire Road instead of Eisenhower Boulevard, so the traffic study must be revised. The submitted traffic study was approved with one comment regarding truck turns at the intersection of Eisenhower Boulevard and Highland Street and Highspire Road and Fulling Mill Road in Lower Swatara Township. A study was conducted regarding larger trucks to determine what the largest vehicle making some of the maneuvers could do safely without encroaching on frontages. The largest vehicle that could make those maneuvers safely are trucks turning right at Highland onto Eisenhower, they would be limited to 40 feet and a similar restriction is proposed for Lower Swatara Township at Fulling Mill Road.

President Zubeck asked if PennDOT deemed this appropriate as far as the changes made. Mr. Wood said since it is a township roadway, they are asking permission here first, and then asking for PennDOT's acceptance. Eisenhower and Highland Street, the sign would be in the township right-of-way, which may not require PennDOT's approval. They will attend the next Lower Swatara Township meeting to obtain their permission. Solicitor Hall said he did reach out to the Township's engineer and confirmed that the proposed signs were acceptable to address their

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comments. Mr. Ihlein said the Township may have to adopt an ordinance to be able to post and restrict certain truck turning movements on those township roads.

Commissioner Tuckey made a motion to approve posting traffic signs as part of the Eisenhower Business Park project, seconded by Commissioner Varner. Commissioner Ellis asked Mr. Wood if this was a conditional approval before going to PennDOT. He said it was an acceptance of the restriction, an approval of the traffic study. Commissioner Tuckey wanted to verify that trucks over 40 feet long, such as tractor trailers, would not be allowed to the business park. Mr. Wood said that was correct, even the shortest interstate trucks, WB-42, are unable to make the turn. Signage would only allow up to a straight axle, non-articulated truck up to 40 feet and local deliveries. Motion carried unanimously.

E. **Notification of Zoning Hearing Board Hearing on September 26, 2023: Case No. 2023-12: Stephen Lenkevich – Request for Dimensional Variances:** Director Ihlein advised the Board that the Zoning Hearing Board would hold a hearing on September 26, 2023, at 7:00 p.m. for Stephen Lenkevich. He is constructing a building on Witmer Drive and needs a variance.

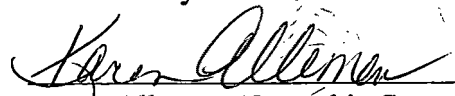
15. **Visitors Requests and Comments:** None at this time.

16. **Possible Stormwater Violations for Investigation:** Nothing at this time.

17. **Commissioners Requests and Comments:**

- A. **Commissioner Ellis:** Thanked the Yanich family and friends for the chicken BBQ. She requested the budget meeting dates be announced at the first or second meeting next month. She requested the costs associated with the building project be discussed at a regular meeting of the Board next month.
- B. **Commissioner Boudier:** Nothing at this time.
- C. **Commissioner Tuckey:** Thanked staff for the stormwater, codes and police projects that have been worked on and completed this year.
- D. **Commissioner Varner:** Nothing at this time.
- E. **President Zubeck:** Thanked staff for their hard work and thanked everyone who helped with the Spring Creek restoration project. She asked that the Stormwater Authority presentation be placed on the Website and Facebook. Reminded everyone that next month is Fire Prevention Month.

11. **Adjournment:** Commissioner Ellis made a motion to adjourn the meeting at 8:29 p.m., seconded by Commissioner Varner. Motion carried unanimously.


Karen Alleman, Township Secretary