

MINUTES

SWATARA TOWNSHIP

REGULAR MEETING II

NOVEMBER 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. on Wednesday, November 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, Jeff Varner and Richard Boudier. Also present: Manager Jim Fosselman, Assistant Manager Kim Kaufman, Solicitor Kevin Hall, Director of Public Safety and Sergeant-at-Arms Darrell Reider, Deputy Chief Tom Stauffer, 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 not held this evening.
6. **Visitors Requests and Comments**: None at this time.
7. **Motion to Approve Agenda**: Commissioner Tuckey made a motion to approve the agenda, seconded by Commissioner Boudier. Commissioner Ellis asked that Item 15, Consideration of Resolution: Easement Agreement with Srinivas Kakumanu, 892 3rd Avenue be removed from the agenda. Motion failed for lack of a second. President Zubeck asked for a roll call vote:

Commissioner Ellis	No
Commissioner Boudier	No
President Zubeck	Yes
Commissioner Tuckey	Yes
Commissioner Varner	Yes

Motion carried.

8. **Motion to Approve Items on Consent Agenda**: Commissioner Tuckey made a motion to approve the consent agenda. Commissioner Varner seconded the motion. Motion carried unanimously.
 - A. Monthly Departmental Reports
 - B. Committee Reports
 - C. Codes Report

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- D. Approval of Designated Towing Companies (Don's, Leahy's, Dingman's, H&S, MARS)
- E. Approval of Police Ride Along for Anthony Stains
9. **Consideration of Minutes: Budget Meeting of October 12, 2023, Budget Meeting of October 16, 2023, Budget Meeting of October 23, 2023 and Regular Meeting I of November 1, 2023:** Commissioner Tuckey made a motion to approve the Budget Meeting of October 12, 2023, Budget Meeting of October 16, 2023, Budget Meeting of October 23, 2023 and Regular Meeting I of November 1, 2023, as approved. Commissioner Varner seconded the motion. Commissioner Ellis asked if Page 2, Line 8 of the October 23 Budget Meeting could be changed to reflect twenty-five full-time employees instead of twenty-three. Director Webb provided the updated number to Commissioner Ellis after the budget meeting. Secretary Alleman will correct the minutes. Motion carried unanimously.
10. **Reports:** Monthly reports are posted in the lobby of the municipal building.
- A. **Manager's Report:** Nothing this evening.
- B. **Treasurer's Report:** Mr. Fosselman presented the October 2023 Treasurer's Report. Commissioner Ellis asked for an explanation of disbursements from the Capital Reserve Fund. Mr. Fosselman said it was to cover the bills, to cover the balance so we had enough to pay the funds. She said in January of this year there was a disbursement of \$1.2 million dollars, she questioned that and was told it was to go to the general fund and would go back. Now it's \$2 million that has come out, when will the Capital Reserve Fund be reimbursed. Mr. Fosselman said hopefully at the end of the year. She asked if that money is included in the budget revenues to be discussed this evening. Mr. Fosselman said it is not a revenue, it is all within the same calendar fiscal year. She asked what specific bills were to be paid. Mr. Fosselman said Stormwater expenses are paid out of the general fund until Stormwater is able to reimburse the fund. Commissioner Ellis asked if the Township is covering \$2 million worth of funds because it was never reimbursed from January. Mr. Fosselman said that was correct. President Zubeck asked if the 2021 Board approved the money to be taken out to pay bills and payroll and other things for the Stormwater Authority. Mr. Fosselman said that was correct. She asked if Commissioner Ellis was on the Board at that time and approved that. Mr. Fosselman said he was not sure. President Zubeck said Commissioner Ellis was on the Board and she knew the money was coming out of capital reserve to the general fund to pay Stormwater. President Zubeck noted Mr. Fosselman said on several occasions in 2021 and 2022 that there wasn't enough money in Stormwater and they kept paying for projects out of Stormwater. She said the Stormwater fee was never set at the correct rate it was supposed to be. She noted that since its inception, the Township was paying Stormwater bills from the Township. In

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2021, into 2022, the prior Board of Commissioners started projects that they did not even have a plan to pay for. There was a \$200,000 overage on a stormwater culvert that the Township had started. There were paving projects with Veolia Water in Rutherford that were started. There was a significant amount of projects, and at that time nobody was paying attention. She wanted clarification that the projects that were undertaken before were well planned out and budgeted. Mr. Fosselman said Derry Street was planned for years, that was designed by Dawood. It ended up being about \$1.2 million for Derry Street and the other end was about \$800,000, which made it a \$2 million project. President Zubeck said if you don't have the money, then you don't do it. Mr. Fosselman said the project was being paid for by Federal COVID monies. President Zubeck said the budgets in prior years, 2020, 2021 and 2022, the prior administrations budgets were propped up by Federal COVID monies. The Federal COVID money disbursement for those years were November 30, 2020, \$1.4 million; July 13, 2021 \$1.3 million and September 9, 2022 \$1.3 million. If you take that amount of money out of the budgets, the prior administration had the same amount of money we have, they got lucky with Federal COVID relief money. This Board budgeted with no Federal COVID money, at a million dollars less due to a tax cut in 2020, and still managed to balance this budget without tax increases. The decision to pay for Stormwater costs from the capital reserve fund was a prior administration decision with no Federal COVID relief money and no way to pay back payroll for Stormwater, and that's what we were handed.

Commissioner Ellis said we began 2023 with \$4,094,520.16 in Capital Reserve. We just heard that it's at \$1,968,268.09, that's the lowest it's ever been since she's been on the Board. She wanted to point out that the general rule is to have one-quarter's worth of funds available in the capital reserve to pay bills, we are not meeting that threshold at this point. She asked at what point the Capital Reserve Fund would be reimbursed. Mr. Fosselman said funds could be transferred up to the last business day of this year. President Zubeck said we are still owed \$1.5 million from people who haven't paid. Norfolk Southern hasn't paid back any money yet. There were some hits to the Stormwater budget that affected the Township. That was a prior administration decision. In 2020, that Board cut taxes by \$1 million. For three years there was nearly \$4 million Federal COVID Relief dollars to play with and it was wasted.

Commissioner Tuckey made a motion to approve the October 2023 Treasurer's Report, as approved. Motion seconded by Commissioner Varner. Motion carried unanimously.

- C. **Solicitor's Report:** Solicitor Hall said the Smith Land appeal argument is scheduled for December 4, 2023. No decision is expected for some time.

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- D. **Swatara Rising Comp Plan:** PennDOT continues construction on Grayson Road for the Route 322/Chambers Hill Road intersection project. More properties have been demolished for the Route 83 project. The Planning Commission is working on a proposed ordinance for keeping chickens, and short-term rentals. The owner of the Harrisburg Mall property has submitted a tentative demolition plan. The Zoning Map has been revised to reflect the recent changes near the Harrisburg Mall. Commissioner Ellis asked if other municipal ordinances have been reviewed in regard to short-term rentals. Mr. Ihlein said other ordinances have been reviewed and the Dauphin County Planning Commission can assist as well.
- E. **Fire Services/EMS Report:** Chief Ibberson presented his report to the Board. There were 126 calls for service, mutual aid was given 20 times and received mutual aid 32 times. The average response time was 5 minutes and 25 seconds. The average turnout per incident was 7.2. Paxtang Borough responded to one call for service. October was Fire Prevention Month and crews participated in many programs. Chief Ibberson thanked the Fire Police for all the help provided to events. Life Team responded to 297 incidents in the Township and mutual aid responded to 32 EMS incidents. Average response time was 9 minutes and 40 seconds.
- F. **Public Safety:** Director Reider presented his report to the Board. The Department handled a total of 1,369 calls for service. The last Hero Run was held on November 5. The race raised over \$170,000 for the K-9 Fund, Wounded Warriors, and Fallen Firefighters. Coffee With A Cop will be held tomorrow morning at 9:00 a.m. Commissioner Ellis asked for an explanation of the new K-9's name. The new K-9 is Soul, named by Ms. Barbara Barksdale of the Midland Cemetery. The name is in recognition of all the souls buried at Midland Cemetery. K-9 Soul will be sworn-in in December.
11. **Presentation of Proposed 2024 Budget:** Mr. Fosselman presented the Proposed 2024 Budget to the Board. President Zubeck asked if the real estate tax was adjusted for the loss of properties for the Route 83 project. Mr. Fosselman has compiled a spreadsheet for revenue needed based on the Township's assessed valuation. She asked how much money came in, in the month of October. Mr. Fosselman said \$600,000 came in recently from EIT tax, November and December should be higher. September numbers would not be a true reflection of the general fund for the end of the year. If you looked at a general fund sheet that shows a lower number budgeted for end of year balance, the September numbers would be a lot lower than October, November and December. The end of year balance for 2024 is \$1 million give or take, and we still have November and December coming in, as well as the Stormwater money that will backfill and correct the Capital Reserve. If you look at 2021, there was money saved, \$633,041 because Federal COVID money paid for that. Our expenses in 2020 were \$722,793. Federal COVID Relief money paid \$633,041 in 2021. In 2022 Federal COVID Relief monies paid \$633,675. In

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2023 Federal COVID Relief money goes away, leaving \$943,363 in expenses. The numbers obviously are increased when you don't have lucky Federal COVID Relief money coming in.

President Zubeck went over the increased expenses over the last year. There was an increase of \$450,644, mostly contractual for police, we are in a seven-year contract that was started seven years ago, ending in 2024. Planning, Building and Codes expenses went up to \$98,820. Highway construction rebuild changed to \$1,026,156. That money will be paid back from the Liquid Fuels Fund. Even though it's showing revenue and expense on the budget sheet, it's going to get paid back out of Liquid Fuels. More increased expenses that had to be navigated were due to legal fees. In 2019 fees were \$221,109.38, 2020 fees were \$318,249, 2021 fees were \$367,010.06, 2022 fees were \$324,000.79 and 2023, a pretty busy year, \$264,200.91. We did have some savings there, significant savings.

Engineering fees are another major expense that added to the budget challenges that had to be navigated. 2019 fees were \$352,878, 2020 fees were \$755,644, 2021 fees were \$677,013, 2022 fees were \$583,276, this year fees are \$488,047. President Zubeck said she didn't know what happened in 2020 and 2021 but we had \$4 million in Federal money to pay for that. We were sitting at home in 2020. She doesn't know how many meetings were conducted in 2020 when everybody else was sitting home, and she was completely kept in the dark on everything.

The 2023 budget was balanced without any tax increases or help from anyone else, except for our own real revenue that's coming in. This year's budget, we don't have the luxury of Federal COVID money to pay for anything. We had to cut back on expenses, and we did. We had to implement cost savings measures and tell the department heads to make sure they are watching every cent that goes through their department. Anything going over has to be run by the manager. We have done everything that a responsible township should be doing when overseeing their budget. To be able to balance a budget minus nearly a million tax dollars and minus \$1.3 million in Federal COVID Relief Fund money was challenging.

President Zubeck is proud of the hard work we have done. She believes that when you look at this budget, we are righting the ship and the ship was moving in the right direction, it will continue to move in the right direction because she is not going anywhere, she is going to keep asking questions. When you look at this budget, she is really happy with everything we have done, and we are going to keep moving in the right direction. There was a 9% increase in inflation on average in the last few years. This year, it's no secret, there was a 30% higher total premium for health insurance, a 35%

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increase in auto and umbrella insurance, a 5% increase in everything else, and 10% increase to property. Our insurance is continuing to increase. Seventy-five percent of the budget is due to contractual obligations. Manager Fosselman said the contractual obligations are about 75% of the budget. Mr. Fosselman said in October we received \$984,000 plus, it was a good month.

Commissioner Ellis asked for a copy of the figures President Zubeck was referencing for the public and Board to review. Mr. Fosselman said the numbers are available in the budget, and the budget is on public display. Commissioner Ellis would like to put the specific numbers with the budget that will be displayed. President Zubeck said the information was based off of her notes as finance chair highlighting things in the budget. If anybody wants information they may reach out.

Commissioner Tuckey thanked President Zubeck for clarifying the numbers more with what was said tonight with the budget. Some people may not care to hear all the figures. He had some residents come to him and ask why we were going to be bankrupt and all the other things that were stated when it was campaign time. A lot of not truthful things were said throughout that time. It would have been nice to have the real information put out to the public so they really would know what is going on. He is proud to be on this Board and all the work that has been done for the past two years now. He appreciates all the effort put into the budget and wishes people would put the real information out there instead of trying to scare people in the community. That's not right, there has been a lot of hard work and effort over the past almost two years put into this.

Commissioner Tuckey made a motion to approve the Proposed 2024 Budget and display it publicly, seconded by Commissioner Varner. Commissioner Ellis abstained due to lack of information. The revenue figures were just given to the Board this afternoon. President Zubeck asked for a roll call vote.

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

Motion carried.

12. **Consideration of Ordinance: Regulating Open Burning:** Commissioner Tuckey made a motion to approve the regulation of open burning ordinance. Motion seconded by Commissioner Varner. Motion carried unanimously. This is Ordinance O-2023-06

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13. **Consideration of Resolution: Special Purpose Parking Zone at 542 Highland Street:** Commissioner Boudier made a motion to install a special purpose parking area at 542 Highland Street, seconded by Commissioner Tuckey. Motion carried unanimously. This is Resolution R-2023-50.
14. **Consideration of Resolution: Removal of Special Purpose Parking zone at 576 2nd Street:** Commissioner Boudier made a motion to remove the special purpose parking zone at 576 2nd Street, seconded by Commissioner Ellis. Motion carried unanimously. This is Resolution R-2023-51
15. **Consideration of Resolution: Easement Agreement with Srinivas Kakumanu, 892 3rd Avenue:** Solicitor Hall recommended the Board table this item. Commissioner Ellis made a motion to table this item, seconded by Commissioner Tuckey. Motion carried unanimously.
16. **Subdivision and land Development Plans: Approval of Request for Release of Subdivision Bond for McDonald's Corporation, 6044 Derry Street:** Commissioner Tuckey made a motion to approve the release and return of Safeco Insurance Company of America bond number 6746345 in the amount of \$111,800.00 that is being held for McDonald's Corporation land development at 6044 Derry Street. Motion seconded by Commissioner Varner. Motion carried unanimously.

Mr. Ihlein announced a Zoning Hearing will be held for Craig Eshenaur, 3815 TecPort Drive, on November 30, 2023, at 7:00 p.m.
17. **Visitors Requests and Comments:** None at this time.
18. **Possible Stormwater Violations for Investigation:** None at this time.
19. **Commissioners Requests and Comments:**
 - A. **Commissioner Ellis:** Thanked everyone that participated in the Hero Run. It was well attended. The annual tree lighting ceremony will take place on Tuesday, December 5 at 6:00 p.m.
 - B. **Commissioner Boudier:** This Saturday, November 11, is Veterans Day. He thanked all Veterans and Brenden Orth for placing flags around the municipal property. He encouraged everyone to visit the Indiantown Gap National Cemetery. Between Memorial

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Day and Veterans Day, flags line both sides of the roadway throughout the cemetery. He congratulated the individuals just elected to serve as Commissioner.

C. **Commissioner Tuckey**: Thanked everyone involved with the 5K Hero Run.

D. **Commissioner Varner**: Nothing at this time.

E. **Commissioner Zubeck**: Nothing at this time.

20. **Adjournment**: Commissioner Tuckey made a motion to adjourn the meeting at 8:18 p.m., seconded by Commissioner Ellis. Motion carried unanimously.



Karen Alleman, Township Secretary

ABSTENTION MEMO

I, the undersigned, as a member of the Board of Commissioners of Swatara Township, Dauphin County, Pennsylvania do hereby abstain from voting on the following matter:

Advertisement
~~Advertisement~~ of 2024 budget

for the reason that I have a conflict of interest because:

no conflict of interest, but untimely
presentation of information. Budget
information provided to the Board at
3:30 pm on 11/8/23, The same date as
advertisement

Date: 11/8/23


Commissioner

**SWATARA TOWNSHIP
COUNTY OF DRUPHIN
COMMONWEALTH OF PENNSYLVANIA**

TREASURER'S REPORT

TREASURER : James R. Fosselman	October 2023
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	BEGINNING BALANCE	RECEIPTS	DISBURSEMENTS	ENDING BALANCE
GENERAL FUND	\$169,468.32	\$2,099,061.62	\$1,524,977.44	\$743,552.50
GENERAL PAYROLL	\$71,110.37	\$636,414.29	\$638,333.53	\$69,191.13
GENERAL FUND	\$240,578.69	\$2,735,475.91	\$2,163,310.97	\$812,743.63

FIRE FUND	\$138,997.85	\$29,528.08	\$105,703.33	\$62,822.60
FIRE RESERVE	\$696,299.51	\$3,034.73	\$0.00	\$699,334.24
FIRE PROTECTION FUND	\$835,297.36	\$32,562.81	\$105,703.33	\$762,156.84

DEBT SERVICE FUND	\$4,944.99	\$19,274.67	\$13,559.88	\$10,659.78
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SWATARA AMBULANCE EMS FUND	\$24,416.60	\$612.27	\$858.92	\$24,169.95
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LIQUID FUELS FUND	\$545,962.30	\$1,406.43	\$49,366.65	\$498,002.08
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CAPITAL RESERVE FUND	\$2,967,209.06	\$12,059.03	\$1,011,000.00	\$1,968,268.09
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CAPITAL PROJECTS FUND	\$19,680,586.17	\$91,087.16	\$401,929.20	\$19,369,744.13
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POLICE BOOKING	\$4,895.40	\$74.62	\$0.00	\$4,970.02
POLICE DONATIONS	\$6,586.89	\$10.83	\$0.00	\$6,597.72
POLICE 6K RUN	\$11,874.22	\$6,147.04	\$0.00	\$18,021.26
POLICE FEDERAL FORFEITURE	\$507.57	\$0.83	\$0.00	\$508.40
POLICE DA	\$82.47	\$0.14	\$0.00	\$82.61
POLICE K-9	\$35,675.49	\$15,215.46	\$883.20	\$50,007.75
FIRE DONATIONS	\$3,556.78	\$5.84	\$0.00	\$3,562.62
SPECIAL FUNDS	\$63,178.82	\$21,454.76	\$883.20	\$83,750.38
SIDEWALK ESCROW	\$56,274.33	\$92.50	\$0.00	\$56,366.83
RECREATION	\$27,394.51	\$45.03	\$0.00	\$27,439.54
OLDS RESERVE	\$25,799.98	\$741.20	\$1,468.09	\$25,073.09
COVID-19 ARPA GRANT	\$4,254.22	\$6.99	\$0.00	\$4,261.21
DCIB-G INFRASTRUCTURE LOAN	\$1,012,581.88	\$1,664.52	\$0.00	\$1,014,246.40
GROWING GREENER GRANT	\$0.14	\$0.00	\$0.00	\$0.14
TOTAL FUNDS	\$25,488,479.05	\$2,916,483.28	\$3,748,080.24	\$24,656,882.09

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

JAMES R. FOSSELMAN, FINANCE DIRECTOR and TREASURER