

MINUTES

SWATARA TOWNSHIP

REGULAR MEETING II

JANUARY 10, 2024

BOARD OF COMMISSIONERS

1. **Call to Order:** Vice President Steele called the Regular Meeting II of the Swatara Township Board of Commissioners to order at 7:00 p.m. on Wednesday, January 10, 2024. The meeting was held at the Swatara Township Municipal Building, 599 Eisenhower Boulevard, Harrisburg, PA.
2. **Pledge of Allegiance:** Vice President Steele led the audience in the Pledge of Allegiance.
3. **Moment of Silence**
4. **Roll Call:** Commissioners Christine Zubeck, Michael Tuckey, Tom Connolly and Shane Steele were present. Commissioner Shaela Ellis attended via Microsoft Teams. Also present: Manager Jim Fosselman, Solicitor Scott Wyland, Director of Planning and Zoning Robert Ihlein, Deputy Fire Chief and Sergeant-At-Arms Thomas Stauffer, Treasurer Brittany Yarzinsky and Secretary Jen Yesavage.
5. **Announce Executive Session:** An executive session was held to discuss a personnel matter.
6. **Presentation of Proclamation in Honor of Steelton Fire Chief Eugene (Geno) Vance:** Commissioner Connolly read a Proclamation recognizing Steelton Fire Chief Eugene Vance for his many years of service. The board proclaimed that Thursday, January 11, 2024, be recognized as Chief Gene Vance Day in Swatara Township.
7. **Visitors Requests and Comments:**
 - A. **Lisa Neiter, 6140 Hocker Drive:** Wanted to clarify some of her comments from the previous meeting as she was referring to the appeal hearing of the warehouse decision. She reviewed prior meetings and referenced the emergency meeting that was held to determine whether the board would appeal Judge Cherry's decision to allow the warehouses. She stated that the final decision of the board at that time was 3-2 with the 2 dissenting votes being Commissioners Connolly and Ellis. She also spoke about her concerns regarding the office removal of the Township Tax Collector who is now located at Chambers Hill Fire Company, she spoke about wanting to live in a township where everyone works together. Commissioner Connolly responded to these comments. President Ellis also responded to these comments to clarify her vote on the warehouses that should another project be built, the homeowners near this property would then have to hook up to the township sewer lines which would be a large cost to each household. Commissioner Zubeck also provided comments about the previous warehouse votes and the appeal

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decision. Commissioner Tuckey also spoke about the traffic study that was done regarding the warehouse decision appeal and was happy that the community fought against the warehouses.

- B. **Peter Fuchs, 6621 Mifflin Avenue:** spoke about the potential development at 6650 Evelyn Street. His concerns are regarding the current neighborhood and the impact that those additional units will have on the parking in the area, the lighting that will be added, the increase in noise pollution due to the additional tenants, the effect on the schools and whether the school system can handle those additional students.
- C. **Jay Snavely, 560 N. 67th Street:** spoke about the potential development at 6650 Evelyn Street and was looking for confirmation that this was not going to be Section 8 housing. He also addressed his concerns for parking in the area if these additional units are developed as the current parking lot would no longer be available when the Youth Center has events.
- D. **Anna Neiter, 459 Stickle Street:** She was proud of her daughter Lisa and her fight against the warehouses. She questioned where the 3% came from in regards to the chance of winning the appeal. Solicitor Wyland responded to these questions about the legal process and how the 3% chance of winning the appeal came to be.

- 8. **Motion to Approve Agenda:** President Ellis made a motion to approve the agenda, seconded by Commissioner Connolly. Motion carried unanimously.
- 9. **Motion to Approve Items on Consent Agenda:** Commissioner Connolly made a motion to approve the consent agenda. Commissioner Steele seconded the motion. Motion carried unanimously.

Commissioner Zubeck asked to go over some of items on the Consent Agenda for the public and specifically for Solicitor Wyland to address the PA-American Water Assessments. Solicitor Wyland explained the current process of taxing these parcels and that by changing the tax of these properties, the township would be getting more taxes as well as some back taxes while these were being challenged. Commissioner Zubeck congratulated Gregg Miller and Darrell Reider on their retirements but asked for some clarification around staff changes that were being made. Vice President Steele stated that those discussions are not applicable to the items on the Consent Agenda and that staffing questions could be addressed during Commissioners Comments. Commissioner Tuckey also asked about staff changes. Commissioner Zubeck stated that she feels that staff changes are missing from the Consent Agenda. President Ellis asked that staff changes could be brought up during the discussion around the budget. Motion passed unanimously.

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- A. Monthly Departmental Reports
- B. Committee Reports
- C. Codes Report
- D. Approval of Hiring Summer Seasonal Employees
- E. Approval of Seasonal Compost Facility Employees (Rich Szekeres, Mike Roller, Rich Tezak)
- F. Approval of Educational Incentive Reimbursement – Officer Gartland
- G. Approval of Educational Incentive Reimbursement – Sgt. Baluh
- H. Approval of Educational Incentive Reimbursement – Officer Payne
- I. Approval of Police Ride Along – Gavin Neal
- J. Approval of Police Intern – Matthew Allen
- K. Approval of PA-American Water Company Assessment Appeal to Remove Reservoir Road Proper from the Public Utility Realty Tax Roll and Add it to the Local Tax Roll – Parcel 63-045-126
- L. Approval of PA-American Water Company Assessment Appeal to Remove Reservoir Road Proper from the Public Utility Realty Tax Roll and Add it to the Local Tax Roll – Parcel 63-045-115
- M. Acceptance of Notification of Retirement – Gregg Miller
- N. Acceptance of Notification of Retirement – Darrell Reider

10. **Consideration of Minutes:**

- A. **Regular Meeting II of December 13, 2023:** Commissioner Tuckey made a motion to approve the Regular Meeting II minutes of December 13, 2023, as presented. Commissioner Connolly seconded the motion even though he was not on the board, but he attended the meeting and feels that the minutes are accurate. Commissioner Zubeck asked Commissioner Ellis to clarify her discussion with counsel as listed in the minutes. Commissioner Ellis stated that on November 9, 2023, Solicitor Hall reached out her and stated that he was not interested in continuing to serve as Township Solicitor. He offered to provide someone from his firm. Commissioner Ellis felt it made the most sense to go back to Solicitor Wyland. Motion carried with Commissioner Steele abstaining.
- B. **Reorganization Meeting of January 2, 2024:** Commissioner Steele made a motion to approve the Reorganization Meeting minutes of January 2, 2024, as presented. Commissioner Connolly seconded the motion. Commissioner Tuckey asked that minutes be more detailed moving forward. Commissioner Tuckey asked to have the minutes tabled until the next meeting. No second to the motion was provided. Commissioner Zubeck wanted a ruling from the Solicitor if she was able to make a motion on the minutes when she was not present. President Ellis asked

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for clarification if the proposed corrections were made. Secretary Yesavage stated that the corrections from the first draft of the minutes that were provided to the Commissioners were made prior to this meeting.

Commissioner Tuckey – no
Commissioner Zubeck – abstain
Commissioner Connolly – yes
Vice President Steele – yes
President Ellis – yes

11. **Reports:** Monthly reports are posted in the lobby of the municipal building.
- A. **Manager's Report:** Manager Fosselman stated that he had no report at this time.
 - B. **Treasurer's Report:** Treasurer Yarzinsky presented the December 2023 Treasurer's Report. Commissioner Connolly made a motion to approve the December 2023 Treasurer's Report, as presented. Motion seconded by Commissioner Steele. Motion carried unanimously.
 - C. **Solicitor's Report:** Solicitor Wyland thanked the Township for the warm welcome back as Solicitor. He gave a brief overview of the transition of one solicitor to another as it happened 2 years ago when the Township went with Solicitor Hall. Solicitor Wyland viewed the conversation he had with Commissioner Ellis as those of a prospective customer and there will be no charge from him for those discussions.
 - D. **Swatara Rising Comp Plan:** Director Ihlein presented his report to the Board. The Swatara Rising Comp Plan 2025 is now about 4 years old and while most similar plans are for longer timeframes, this was done for a shorter period of time allowing for this plan to serve as a guideline for some larger projects that would be happening within the Township. The 2025 Plan is broken down into three areas: 1. Transportation; 2. Protecting our Neighborhoods; and 3. Public Facilities. Director Ihlein is going to look over the past 4 years to highlight some keys projects and asked if the Commissioners would like a more thorough review of any of the projects. He will have a final report at the end of this year marking the completion of the 2025 Plan.
 - E. **Fire Services/Public Safety Report:** Deputy Chief Stauffer presented the Fire Services report to the Board on behalf of Chief Ibberson who is helping to plan the funeral service for Fire Chief Vance. There were 148 calls for service, mutual aid was given 34 times and received mutual aid 28 times. The average response time was 5 minutes and 35 seconds. The average turnout per incident was 8.0. There were a total of 1,350 incidents in 2023 which was a 7.4% increase over the previous year and a 23.5% increase since 2020. In Paxtang Borough, we responded to two calls for service in December and 15 total calls for 2023. There

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was 1 smoke detector check done in December. The Public Safety Report for December 2023 is as follows: there were a total of 1,213 calls for service which included 109 Part I Crimes and 157 Part II Crimes. Officers arrested a total of 93 people for Felony/Misdemeanor Crimes which included 11 for DUI. The complete breakdown of all calls for service and incidents is posted in the Township lobby and on our web portal for anyone to review. For the 2023 calendar year, Officers handled a total of 16,863 calls for service which included 1,252 Part I Crimes and 1,945 Part II Crimes. Officers arrested a total of 1,128 people for Felony/Misdemeanor Crimes which included 99 for DUI. The Community Services Report in it's entirety is posted on the website for review. A few highlights include the Shop with a Cop event that was held on December 9, 2023 at Wal-Mart, there was one ride-along during December, there was one DUI detail resulting in 1 arrest and the drug drop box located at the Township building collected 56.49 lbs of expired medication which was disposed of properly. Deputy Chief concluded by reminding residents to lock their cars and do not leave valuables in your cars. Hunters were reminded not to hunt on private land without the landowners approval which also includes Township owned lands. With the arrival of winter weather, he also reminded residents to clean off their cars and keep a safe driving distance between you and the cars in front of you. There was also a \$500 check that was just received from Rutter's Corp for the K9 fund so Deputy Chief Stauffer thanked them for the donation.

- F. **EMS Report:** EMS Barry Albertson presented the EMS report to the Board. The Department handled a total of 371 calls for service and received mutual aid on 24 of those calls with an average coverage of 94%. Due to the increased volume, extra assets were added when possible. For 2023, there were a total of 3,581 EMS dispatches, using mutual aid for 374 of those calls with a total average coverage of 91%. Response times were on average around 9 minutes 30 seconds with the full yearly breakdown being presented at the February meeting. He thanked the fire and police departments for their assistance when needed, especially for cardiac arrest calls.

12. **Reopening of 2024 Budget:** Per the decision at the Reorganization Meeting on January 2, 2024, it was voted on to reopen the 2024 budget for review as there are now 2 new Commissioners who were not part of the budget process for the current 2024 operating budget. Vice President Steele asked for any opening remarks from the remaining Commissioners prior to diving into the full budget. Commissioner Zubeck stated that she reviewed the budget and wanted to comment that a balanced budget for 2024 was approved and that she feels that this new budget is just moving of numbers to

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different funds. Vice President Steele confirmed that President Ellis could see the numbers on the screen and proceeded to review the revised proposed budget.

The full amended budget is available online for review.

Vice President Steele reviewed the recap sheet starting with the General Fund. Revenue projections for 2024 were high at \$17.5 million with net revenue for 2023 being \$14.5 million. Actual net expenses for 2023 were \$16.4 million. The numbers show a shortage for the Township which led to the transfer of \$2.2 million out of the Township savings account. The budgeted revenues for 2024 are around \$15.4 million with expenses being projected at around \$15.9 million, down from the previous budget of \$18.1 million. We are looking at an ending balance for 2024 of around \$1.2 million.

Commissioner Zubeck commented that previous boards have used loans. She then asked Manager Fosselman to confirm that the numbers that were provided to her during the original budget process were accurate and correct. She stated that Stormwater was draining the budget. She referenced the nearly \$1 million tax cut by the Board of Commissioners in 2020 and the effect that COVID had in 2021-2022. We received \$4 million in ARPA money which helped offset the budget deficiencies created by the tax cut.

Mr. Fosselman explained that the budget was balanced but the 83 project changed the assessed valuation and they went down. Stormwater is underfunded and has been since 2018 with their expenses far exceeding their revenues over the past 5 years. He added that money needed to be transferred to cover bills and payroll. He stated that expenses exceeded revenues during the 2023 year. He referred to the Capital Reserve Fund which should be around \$4 million but that we have been pulling from that fund during the last 2 years to pay our bills and pay our employees.

Commissioner Connolly explained that he ran in 2013 due to the tax increases that had happened for 5 the years prior. During his time on the board, they were able to cut taxes, not knowing that COVID would come and affect all the numbers right after that tax cut. He helped to get the Capital Reserve Fund up to \$4 million as that helps us get better interest rates if needed. He helped to get the \$1.4 million from the county for COVID relief. He reminded residents that the monthly financial statements are available for everyone to review every month at the Township Building. He explained that all municipal budgets need to be balanced by law.

President Ellis asked Manager Fosselman for an actual number per year for the 5% tax cut since it's often referenced as \$1 million. Mr. Fosselman said that it was about

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\$180,000 to \$190,000 per year for 5 years. President Ellis also asked for the actual portion that the Township lost but Manager Fosselman didn't have that specific number and stated that a new assessment had just been received but he didn't have time to review it prior to the meeting.

Commissioner Tuckey remembers sitting in the audience in 2019 when the tax decrease was proposed. It amounted to about \$12 per household. The businesses really made out; big businesses saved a lot of money. He once again asked about the \$4 million in COVID money which Manager Fosselman stated that \$2 million went to Derry Street and Stormwater as you were limited in how that money could be used. None of that money could be used to pay ongoing Township expenses. That is part of the reason he ran for Commissioner, a lot of things going on didn't make sense. He believes everything done by this Board has been in the best interests of the residents.

Manager Fosselman explained that costs continue to rise while revenues remain flat. Commissioner Tuckey asked if the previous board acted in a financially responsible way. Manager Fosselman explained that we are living with the bare essentials in the Township.

Vice President Steele made a motion to authorize the publication of the proposed amended budget, seconded by Commissioner Connolly.

Commissioner Tuckey	No
Commissioner Zubeck	No
Commissioner Connolly	Yes
Vice President Steele	Yes
President Ellis	Yes

Motion carried.

13. **Consideration of Resolution: Records Retention:** Commissioner Connolly made a motion to approve the resolution authorizing the disposition of specified Swatara Township Municipal Records, seconded by Commissioner Ellis. Motion carried unanimously. This is Resolution R-2024-02.

14. **Consideration of Resolution: Financial Statements:** Commissioner Steele made a motion to approve the resolution requiring the filing of a Statement of Financial Interest by specified Township Officials, seconded by Commissioner Connolly. Motion carried unanimously. This is Resolution R-2024-03.

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15. **Consideration of Resolution: Display of Banners Over State Roadways:**
Commissioner Connolly made a motion to approve the proposed list of banners that will be suspended on utility poles across SR3012, Derry Street, seconded by Commissioner Zubeck. Motion carried unanimously. This is Resolution R-2024-04.
16. **Consideration of Resolution: Special Purpose Parking at 6521 Somerset Street:**
Commissioner Connolly made a motion to accept the request for a special handicapped parking space, seconded by Commissioner Zubeck. Motion carried unanimously. This is Resolution R-2024-05.
17. **Approval of Easement with UGI for Taylor Park:** Commissioner Connolly made a motion to accept the Right-of-Way Agreement, seconded by Commissioner Zubeck. Motion carried unanimously. This is Resolution R-2024-06.
18. **Approval of Easement with UGI for 3742 Derry Street:** Commissioner Connolly made a motion to accept the Right-of-Way Agreement, seconded by Commissioner Zubeck. Motion carried unanimously. This is Resolution R-2024-07.
19. **Appointments to Boards and Commissions:** President Ellis clarified her comments from the Reorganization Meeting that the Commissioners take until the first meeting in February to have names ready for appointment. Appointments can still be made now.
- A. Fire Service Board: Commissioner Steele made a motion to appoint Tom Connolly, seconded by Commissioner Ellis. Motion carried unanimously.
 - B. Citizen's Advisory Board: motion made by Commissioner Connolly to appoint Shane Fleming, seconded by Commissioner Ellis. Motion carried unanimously.
 - C. Recreation Advisory Board: Commissioner Steele made a motion to appoint Jordan Golob and Chad Shroy, seconded by Commissioner Connolly. Motion carried unanimously.
20. **Subdivision/Land Development Plans:**
Plan 2023-09C: "Residential Development at 6650 Evelyn Street" dated 8/30/2023; plans revised 10/13/2023, plans revised 11/17/2023.
Zane Geist who is a project manager for Integrated Consulting, the Civil Engineer for the applicant, Green Acres Investment, gave the presentation for the proposed development at 6650 Evelyn Street. The proposal is for a total of 34 units – 24 apartments, 8 townhouses and a twin dwelling at the end of the access drive. The

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property is zoned Commercial Limited District. There will be general improvements that go along with any development of this type as well as improved sidewalks on Evelyn Street. These dwellings would be hooked up to the existing sewer and water lines on the property. One of the waivers being requested is for the maximum embankment slope for the stormwater facility in the SE corner. They are proposing a 2:1 fill slope for two reasons: 1. they are including a 10-foot-wide access easement for the current residents to continue to have rear access to their properties and 2. They are attempting to stay out of the existing sanitary easement that runs through that portion of the property. The other 2 waiver requests are the preliminary plan and the curb height at the driveway entrances. The developer has confirmed that the apartments will be 1 and 2 bedrooms while the townhomes will be 2 bedrooms. If light and noise pollution remain an issue as has been brought up by several residents, Mr. Geist feels that the developer would not be averse to adding additional landscaping to potentially screen that portion of the property. He stated that the lighting plan with the development shows that there is no light spilling over into adjacent properties.

Commissioner Connolly confirmed that an alley style easement was part of the plan to continue to allow current residents to have access to the rear portion of the properties.

Commissioner Zubeck asked if the structures would fit on the property without the waivers. Mr. Geist believes that yes, the structures would fit but the waivers help with the aesthetics of the property. She addressed the concerns of local residents about the parking issues on Evelyn Street now and is concerned that there could be additional spillover due to the development and the number of parking spaces allotted per unit and the additional spaces that will be provided. She would like to have more time to wrap her head around the scope of the development and the affects this might have on the existing neighborhood.

Commissioner Tuckey asked to confirm the number of bedrooms in the apartments and the townhomes. He also asked for confirmation that the number of parking spaces per units would be 2.

President Ellis asked for the square footage of each townhome – they are 19.5' wide by 34' deep. She circled back to parking and asked if there would be a section for visitor parking and there is no visitor section but there are 6 additional beyond the required 2 per unit so that is a total of 74 spaces. She asked for confirmation about

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the residents' concerns with the lighting that this development will bring to the area and wanted to know that this will not affect the current homeowners surrounding the property. The only lighting being proposed is in the parking area and will not spill over into any adjoining properties. Mr. Geist reiterated that the developer would be open to considering additional landscaping along the proposed open area along the Northern portion of the property.

Commissioner Connolly made a motion to approve the 5 waivers requested by Green Acres in reference to the Residential Development at 6650 Evelyn Street, seconded by Commissioner Ellis.

Commissioner Tuckey	No
Commissioner Zubeck	No
Commissioner Connolly	Yes
Vice President Steele	Yes
President Ellis	Yes

Commissioner Connolly made a motion to approve resolution R-2024-08 in reference to the Residential Development at 6650 Evelyn Street, seconded by Commissioner Steele.

Commissioner Tuckey	No
Commissioner Zubeck	No
Commissioner Connolly	Yes
Vice President Steele	Yes
President Ellis	Yes

21. Visitors Requests and Comments:

- A. **Harold Brown, 540 N. 67th Street:** asked that the Commissioners come over when the Youth Center has a basketball tournament and take a drive to see the parking situation around the area of 6650 Evelyn Street.
- B. **Debra Noles, 6080 Hocker Drive:** spoke about some unconfirmed information that she was told, asked about personnel changes and who was forced out of office – Commissioner Steele reiterated that the Board would not address personnel changes and that Chief Reider announced his retirement in December. Ms. Noles also asked about Commissioner Steele having an office in the Township Building – Commissioner Steele stated that he does not have an office in the building but does spend hours at the building to help benefit the Township financially. Ms. Noles questioned the reopening of budgets by the newly elected board. Commissioner Steele spoke about his previous concerns about the financial situation of the

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Township and the budget. There were additional comments regarding a \$20 million loan as well as tax cuts that were enacted by a previous board. The discussion also involved the Stormwater Authority and their permission to pay their bills from the General Township funds. Ms. Noles asked that the banners being hung around the Township have darker lettering so that they can be read by the residents and finished by asking the board for more transparency.

- C. **Lisa Neiter, 6140 Hocker Drive:** spoke about the lack of knowledge as a member of the Police Advisory Board around Chief Reider's retirement. She also asked about several other personnel matters and that there could have been other measures used to save money instead of letting go of employees.
- D. **Anna Neiter, 459 Stickle Street:** she spoke about having family members serve together as Township Commissioners. President Ellis spoke about previous Commissioners serving on the board with other family members and noted that the issue would arise if a family member appointed someone to fill a board vacancy but that is not what happened this time.

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

23. **Commissioners Requests and Comments:**

- A. **Commissioner Tuckey:** He began by mentioning that 3 people are no longer on staff but that he and Commissioner Zubeck were not notified of any personnel changes. He was also elected and should be able to give his input surrounding those decisions. He feels that this board is not going to work together based on some previous private conversations but hopes for more transparency moving forward. He questioned the retirement of Chief Reider and hoped that he would be able to serve out his time until his official retirement on March 15th. He thanked the residents in attendance and wished everyone safe travels home.
- B. **Commissioner Zubeck:** She reiterated the staff changes of 3 people being released due to budget changes in the first 10 days of the new board. She questioned if the amended budget hadn't been proposed, how were these decisions made prior to this meeting. She continued to question the retirement of Chief Reider. She spoke about a lack of transparency from this board. She asked about a plan to replace the staff that have been let go and how is the new board planning to cover the responsibilities of those staff members. She believes that the Commissioners should not be meddling in the day-to-day operations of the Township. She asked residents to pay attention to the budget and wished everyone safe travels home.

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C. **Commissioner Connolly:** He began by addressing that Chief Reider will be employed until his retirement date of March 15th. He will be celebrated at a later meeting. He spoke about coming back on to the board through an election and that he had seen the budgets over the past few years and was concerned about the direction of the Township. He asked people to do the research, attend the meetings and ask the questions but he felt that we as a Township could do better.

D. **Commissioner Steele:** He had no comments at this time.

E. **Commissioner Ellis:** She started out by stating that she was not in attendance due to giving birth to her daughter at 6:02pm that evening. She thanked the public works department for the quick response to the snow removal and for making the road safe for the residents. She also thanked the staff that worked on the amended budget as well as Commissioners Connolly and Steele for revisiting this budget. She continued by asking the public to review the budget and compare the amended budget with the previous budget – both budgets are available on the website. She also wants to work to find a way for those viewing the meetings on social media to adequately see any presentations that are being made to the Commissioners and the audience in the room during the meetings. She concluded by thanking those who watched and those that were in attendance during the meeting.

24. **Adjournment:** Commissioner Zubeck made a motion to adjourn the meeting at 10:32 p.m., seconded by Commissioner Connolly. Motion carried unanimously.



Jen Yesavage, Township Secretary