

MINUTES

REGULAR MEETING I

SWATARA TOWNSHIP  
BOARD OF COMMISSIONERS

FEBRUARY 7, 2024

1. **Call to Order:** President Ellis called the Regular Meeting I of the Swatara Township Board of Commissioners to order at 7:14pm on Wednesday, February 7, 2024. The meeting was held at the Swatara Township Municipal Building, 599 Eisenhower Boulevard, Harrisburg, PA.
2. **Pledge of Allegiance:** President Ellis led the audience in the Pledge of Allegiance.
3. **Moment of Silence**
4. **Roll Call:** Commissioners Christine Zubeck, Michael Tuckey, Tom Connolly, Shane Steele and Shaela Ellis were present. Also present: Manager Jim Fosselman, Solicitor Scott Wyland, Director of Planning and Zoning Robert Ihlein, Fire Chief Mike Ibberson, Deputy Police Chief and Sergeant-At-Arms Thomas Stauffer and Treasurer Brittany Yarzinsky. Secretary Yesavage was absent due to illness.
5. **Announce Executive Session:** An executive session was held prior to this meeting to discuss pending litigation and personnel matters.
6. **Visitors Requests and Comments:**
  - A. **Debra Noles, 6080 Hocker Drive:** She spoke about why she started attending the meetings due to the warehouses and went on to speak about the Norfolk Southern payment and how it was received prior to the special meeting and asked why Commissioner Connolly didn't mention that information during the meeting when it was questioned as to where the Norfolk Southern payment was at that time.
  - B. **Susan Bailey, 651 Georgian Place:** She mentioned that communities across the nation are changing ordinances to allow residents to raise female chickens without limiting them to certain restrictions. The Planning Committee is working on a recommendation and she asked the commissioners to consider this to allow people time to prepare should they choose to raise chickens for eggs.
  - C. **Brad Horn, 7505 Grayson Road:** He is the Plant Manager for the Fresh Express Production Facility located at that site. Fresh Express was asking for a credit on their waste water bill. The bill was mailed and the Post Office postmarked it for the next day which resulted in an assessment of \$19,000. This was a quarterly sewer bill. Over the past 9 years, they were unable to find any late bills and feel that they have been in good standing and are asking for a credit on their next invoice. Commissioner Connolly stated that they would need to address the Sewer Authority as he didn't feel that this Board could do anything about their situation.
  - D. **Justin Bradnick, 3073 Rutherford Street:** He spoke about transparency and asked that all monthly reports be posted online similar to the Treasurer's reports. He continued by asking why the Township Manager has not given a report on a

MINUTES

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SWATARA TOWNSHIP

REGULAR MEETING I

FEBRUARY 7, 2024

BOARD OF COMMISSIONERS

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consistent basis. For the last 48 months he reviewed, the manager has not given a report in 22 of those months. He continued to ask that budgets be posted in a clearer format for residents to be able to understand what is being changed with a key to show what highlighted areas mean. He asked that the board work with the Solicitor to draft a resolution that would prohibit candidates from posting images on social media with paid department heads as it could portray support or endorsement for a specific candidate without the approval of the department head in the image. He concluded that commissioners should not be eligible for health benefits.

E. **Tom Garlic, 6050 Hocker Drive:** He submitted a right to know request and asked that since the right to know person is no longer here, where should those requests be addressed. President Ellis stated that a new right to know officer would be selected and it would be listed on an upcoming agenda.

7. **Motion to Approve Agenda:** Solicitor Wyland stated that there should be an addition to the agenda to appoint an Assistant Secretary to sign loan documents in the absence of Secretary Yesavage. The addition to the agenda would be placed as 10A. President Ellis made a motion to approve the agenda with the addition of 10A being to appoint an Assistant Secretary. Vice President Steele seconded the motion. Commissioner Zubeck asked for clarification on if we currently have an Assistant Secretary. Solicitor Wyland suggested that on the agenda for next weeks meeting, there be a ratification of the appointment for Assistant Secretary should there be a challenge as meeting agendas need to be posted 24 hours prior.

A vote was taken to add this to the agenda:

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

Having passed, Vice President Steele made a motion to approve the revised agenda, seconded by Commissioner Connolly. A vote was then taken to approve the revised agenda:

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

MINUTES

REGULAR MEETING I

SWATARA TOWNSHIP

FEBRUARY 7, 2024

BOARD OF COMMISSIONERS

8. **Motion to Approve Items on Consent Agenda:** Vice President Steele made a motion to approve the consent agenda. Commissioner Connolly seconded the motion.
- A. Approval of Rutherford Fire Company to Attend Schuylkill County Fireman's Convention Parade on May 11, 2024
  - B. Approval of Rutherford Fire Company Standby coverage for Northern York Fire & Rescue on March 3, 2024
  - C. Approval of Employee Severance Agreements
  - D. Approval of Harrisburg Area YMCA Race Series Halfity-Half, Sunday April 14, 2024
  - E. Approval of Police ride along for Myla Dressler and Cassidy Viersma

Commissioner Zubeck addressed her concerns regarding item C as she feels there was some impropriety that took place last month regarding these former employees. She asked to be a no for Item C on the Consent Agenda. She asked that all 5 board members be involved in the decisions that are being made for the Township out of respect to the residents who put all of them on the Board of Commissioners. Solicitor Wyland responded with a brief description of the Consent Agenda and its purpose. He stated that there can be 2 ways to handle a disagreement on items on the Consent Agenda and that specific items could be removed and handled separately or a no vote for that particular item can be recorded in the minutes. He concluded that no actions regarding employees could be complete until they are presented to and voted upon by the Board of Commissioners. Commissioner Zubeck noted that the Township Manager should handle employee situations such as hiring and firing and should then bring any necessary personnel information to the board for consideration.

Commissioner Tuckey – no on Item C

Commissioner Zubeck – no on Item C

Commissioner Connolly – yes

Vice President Steele – yes

President Ellis – yes

9. **Consideration of Minutes:**

- A. **Regular Meeting II of January 10, 2024:** Motion to approve the minutes was made by Commissioner Connolly and seconded by Vice President Steele. Commissioner Zubeck raised questions about portions of discussion that she felt were missing from the minutes. Vice President Steele stated that he would amend his motion if there were specifics that Commissioner Zubeck wanted added into the minutes. She declined to give updates that she felt should be included. Commissioner Connolly stated that he feels the minutes adequately reflected the

MINUTES

REGULAR MEETING I

SWATARA TOWNSHIP

FEBRUARY 7, 2024

BOARD OF COMMISSIONERS

meeting. President Ellis gave the option to have information added back into the minutes that Commissioners Zubeck and Tuckey felt was missing.

Commissioner Tuckey – no

Commissioner Zubeck – no

Commissioner Connolly – yes

Vice President Steele – yes

President Ellis – yes

- B. **Special Meeting I of January 23, 2024**: Motion to approve the minutes was made by Vice President Steele and seconded by Commissioner Connolly. Commissioner Zubeck and Commissioner Tuckey both asked that the minutes accurately reflect the meetings. President Ellis once again offered to have the minutes approved on the condition of having missing information added if they could provide specifics that they felt were omitted. Commissioner Connolly stated that the commissioners received the minutes 7 days prior to the meeting asking for any errors that were in the minutes to respond and let her know so that corrections could be made.

Commissioner Tuckey – no

Commissioner Zubeck – no

Commissioner Connolly – yes

Vice President Steele – yes

President Ellis – yes

10. **Approval of Paytime Payroll and Human Resources Agreement**: Vice President Steele made a motion to approve, seconded by President Ellis. Commissioner Zubeck made a motion to table this item, seconded by Commissioner Tuckey. She asked to have it tabled as she had no information about the current process and the details surrounding this new proposed process. She withdrew her motion to table after being told that this is not a new vendor. Vice President Steele gave an overview of the current payroll process which is very outdated and this new process is completely automated. There is no additional cost for this part of the program. We are also going to an HR Suite which will have an additional value and will help to streamline our onboarding process as well as our records retention and training. Commissioner Zubeck asked to table the new portion of this program to allow for questions to be asked of the vendor while continuing to utilize the existing portions that we are already using, the motion was seconded by Commissioner Tuckey.

Commissioner Tuckey – yes

Commissioner Zubeck – yes

Commissioner Connolly – no

Vice President Steele – no

President Ellis – no

MINUTES

SWATARA TOWNSHIP

REGULAR MEETING I

FEBRUARY 7, 2024

BOARD OF COMMISSIONERS

Commissioner Zubeck wanted it recorded that she is all for cost savings, streamlining and going electronic as they are all good initiatives for this board but she has concerns that she didn't have the opportunity to hear directly from the vendor.

Commissioner Tuckey – abstain

Commissioner Zubeck – abstain

Commissioner Connolly – yes

Vice President Steele – yes

President Ellis – yes

- A. Appointment of Assistant Secretary:** President Ellis made a motion to appoint an Assistant Township Secretary as discussed earlier in the meeting, seconded by Vice President Steele. President Ellis amended her motion to appoint Manager Fosselman as Assistant Township Secretary, seconded by Vice President Steele.

Commissioner Tuckey – no

Commissioner Zubeck – no

Commissioner Connolly – yes

Vice President Steele – yes

President Ellis – yes

- 11. Approval of Amended 2024 Budget:** Motion was made by Vice President Steele and seconded by President Ellis to approve the amended 2024 budget. Vice President Steele gave a brief overview of the changes that were made from the original 2024 budget. Overall, we are going from an \$18.1 million budget to a \$15 million budget. Commissioner Connolly gave some examples of how public safety is helping to cut costs without affecting the safety of our Township and it's residents. Commissioner Tuckey feels that the ordering of 3 new vehicles should stay in the budget as the delays in the supply chain affected the delivery of the most recent vehicles that were ordered in 2022 and only delivered in Dec. 2023. Commssioner Connolly stated that the recommendation to put off the ordering of the vehicles came from Deputy Chief Stauffer. Commissioner Zubeck raised questions about the numbers listed on the budget and stated that she raised concerns several years ago about the increases in health care and inflation. She feels that a balanced budget was passed as Manager Fosselman would not allow for an unbalanced budget to be passed. She asked about the following specific items: Benecon payments, PPL, money from Norfolk Southern, status of the UGI payment, business privilege tax from quarter 4 and where we are to date. She also asked about Portnoff for Stormwater and the money that the Sewer Authority owed us and what was the status of that payment. She ended by requesting that both the original budget and this amended budget remain on the website for residents to view and compare. Vice President Steele stated that the Norfolk Southern money was already agreed to during a prior meeting of Stormwater. The UGI, PPL and Portnoff are still being negotiated. He continued that the

MINUTES

SWATARA TOWNSHIP

REGULAR MEETING I

FEBRUARY 7, 2024

BOARD OF COMMISSIONERS

Sewer Authority does not owe the Township any money due to not returning any Benecon refunds back to the Authority. Commissioner Connolly stated that the Norfolk Southern money has been received but it was a back payment and not new funds for the new budget.

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

12. **Ratification of 2024 Tax Anticipation Note:** President Ellis made a motion to approve the Tax Anticipation Note, seconded by Vice President Steele. Vice President Steele reiterated the financial numbers that were discussed during the special meeting as a brief overview of the current financial situation of the Township and the need for this Tax Anticipation Note until the tax monies start to come in later this year. He stated that this is not a loan for \$5 million, this is a line of credit and only what is needed will be used. Commissioner Connolly stated that he hopes that only \$500,000 would be needed to cover expenses between February 1, when the tax notices go out and March 31<sup>st</sup> when the tax revenues start to come in. Commissioner Zubeck asked to clarify the interest rate which was set at 5.72% for the first draw but this is again not a fixed rate. Additional conversations were had about the money transferred to and money owed back from the Stormwater Authority. Extensive conversation was then had about prior COVID money that was received and where and how it was spent. President Ellis stated that when we draw on these funds, those transactions will be listed in the Treasurer's report.

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

13. **Visitors Requests and Comments:**

- A. **Debra Noles, 6080 Hocker Drive:** She asked about commissioners serving on committees other than the Township Board of Commissioners. This should be their first priority as a paid commissioner. She doesn't like the party lines or the games being played between the two parties. She felt that the money spent on the recent vehicles could have been better spent on ambulance resources.
- B. **Carol Marion, 1310 Kelly Road:** She spoke about the at-large representation versus the old ward system of representation where each ward had a direct representative on the board. She asked the commissioners to discuss this at the next meeting to give their thoughts on the proposal and also asked the residents to comment about this so

MINUTES

SWATARA TOWNSHIP

REGULAR MEETING I

FEBRUARY 7, 2024

BOARD OF COMMISSIONERS

that the commissioners can see the thoughts of those that they were elected to represent.

- C. **Lisa Neiter, 6140 Hocker Drive:** She spoke about the Commonwealth Courts decision to vacate the zoning hearings decision about 3 weeks ago and asked what this means moving forward regarding the proposed warehouses within the Township. Where are we with that now and what can residents do moving forward? Solicitor Wyland responded that he did discuss this with the board during an Executive Session and got some direction from the board on next steps to take but as this is ongoing legal strategy, he was reluctant to discuss in this online forum. She concluded by speaking about the new budget and the loss of the 3 employees who were let go in order to balance this new budget.
- D. **Tom Garlic, 6050 Hocker Drive:** He asked for clarification on the interest rate of the \$5 million Tax Anticipation Note which Vice President Steele stated was 5.72% but reminded him that this was not a fixed rate. He disputed some of the numbers that were provided to him from his right to know request.
- E. **Zoe Loftus, 5631 Plainview Drive:** She appreciates the township looking at ways to save money but wanted to know the vendor of the new payroll system and what was the cost of the system and the length of the contract. Vice President Steele mentioned that this was not a new vendor and was not a new contract, this was a supplement to the existing contract. The cost is \$1,200/month for the contract which could be ended at any time. She asked about whether RFP's were used for services within the Township and specifically the Derry Street project. President Ellis stated that the prior Engineering Firm did things using an older style of work. The problem was finding utility lines and having to redesign the project. Manager Fosselman stated that the new HR software is something that he had been hoping to have for the past few years and sees it as a benefit to the residents to hold the township employees to a more honest way of reporting working hours. She asked for a simplified list of the recent debits and credits that residents can see at the next meeting. She concluded by asking about adjusting some local tennis courts and working to make them usable pickleball courts. Commissioner Connolly stated that we received a grant from Dauphin County Local Share Gaming to put 4 pickleball courts in Bishop Park.
- F. **Justin Bradnick, 3073 Rutherford Street:** He spoke about how his points from earlier were validated as various commissioners had to refer to the Township Manager for where money was in previous months when it could have all been answered had monthly reports by the manager been given at that time. He asked about borrowing money from Stormwater or the Sewer Authority instead of taking out the TRAN to cover costs before tax monies start to come in. President Ellis stated that this board has no oversight of the Sewer Authority as that is a separate entity and that the TRAN is not being used to cover expenses related to Stormwater. President Ellis stated that the co-chairs would be implementing quarterly budget reviews to

MINUTES

---

SWATARA TOWNSHIP

REGULAR MEETING I

FEBRUARY 7, 2024

BOARD OF COMMISSIONERS

---

allow the public to have more information about the budget and try to prevent some of these issues from happening moving forward.

- G. **Marlena Seguin, 6031 Hocker Drive:** She asked the Commissioners to just do better as someone put their faith in them to do the job they were elected to do and she would rather spend time with her family after working long hours at her job than sit here and listen to the constant bickering between the Commissioners.

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

15. **Commissioners Requests and Comments:**

- A. **Commissioner Tuckey:** He reminded everyone about Coffee with a Cop tomorrow morning at the Township Building. He has many residents in the township reach out to him and he works to get them all answers. He appreciated those in attendance and wished everyone a safe evening.
- B. **Commissioner Zubeck:** She loves her community having lived here her whole life and wants everyone to stop putting words in each other's mouths. She wants the entire board to work together in a civil and responsible manner. She thanked those that came out to the meeting and wished everyone safe travels home.
- C. **Commissioner Connolly:** He started telling a story about Fire Chief Ibberson about a situation that happened earlier that day and how he was able to respond to a fire prior to it being dispatched and the fire company was able to save someone from the fire with only minor injuries and minimal damage to the home. He talked about ambulance services and how those contracts have been lowered over the past few years which has saved money for the township residents. He spoke about anyone wanting to help clean up the roads throughout the township, vests, bags and grabbers would be provided for those that are interested in roadway clean ups. Earth Day clean up has been set for Saturday, April 20<sup>th</sup>.
- D. **Commissioner Steele:** Thanked all who attended the meeting, spoke at the meeting and watched the meeting online. He also thanked the fire department for the work that they did today. He mentioned how there was also an incident where police were able to assist with a cardiac situation where minutes count as they were quickly assisted by trained personnel with Tahoes and the correct equipment to provide the necessary help in that situation.
- E. **Commissioner Ellis:** She thanked all who attended the meeting and those that watched virtually. Discussion is important and necessary, but she will do her best to



MINUTES

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REGULAR MEETING I

SWATARA TOWNSHIP

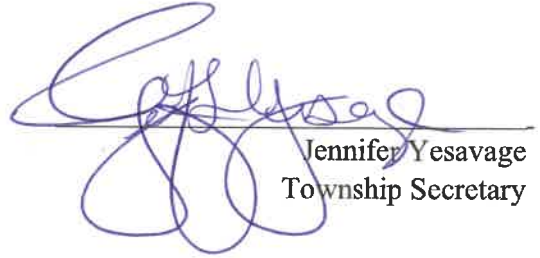
FEBRUARY 7, 2024

BOARD OF COMMISSIONERS

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allow discussion as it is on topic, she does not want to stifle any discussion for any Commissioner or visitor who is making comments.

16. **Adjournment:** Vice President Steele made a motion to adjourn the meeting at 10:38pm, seconded by Commissioner Connolly. Motion carried unanimously.



Jennifer Yesavage  
Township Secretary