

MINUTES

REGULAR MEETING II

SWATARA TOWNSHIP

FEBRUARY 14, 2024

BOARD OF COMMISSIONERS

1. **Call to Order:** President Ellis called the Regular Meeting II of the Swatara Township Board of Commissioners to order at 7:01 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:** 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, Sergeant-At-Arms Thomas Stauffer, Treasurer Brittany Yarzinsky and Secretary Jen Yesavage.
5. **Announce Executive Session:** President Ellis announced that there was an executive session held prior to this meeting to discuss a personnel matter.
6. **Visitors Requests and Comments:** none at this time
7. **Motion to Approve Agenda:** President Ellis made a motion to approve the agenda, seconded by Vice President Steele. Commissioner Zubeck asked about moving item 8D off the Consent Agenda and having it listed as it's own item for further discussion. Vice President Steele rescinded his second of the original motion and President Ellis rescinded her motion. Commissioner Connolly then made a motion to approve the agenda with the move of item 8D from the Consent Agenda to item 14A of the agenda. Motion was seconded by President Ellis. Solicitor Wyland then agreed with Vice President Steele that this approval should be done in two steps with moving the item and then approving the amended agenda. Commissioner Connolly then moved to move item 8D to 14A, seconded by Commissioner Zubeck. Motion carried unanimously. President Ellis then made a motion to approve the amended agenda, seconded by Vice President Steele. Motion carried unanimously.
8. **Motion to Approve Items on Consent Agenda:** Vice President Steele made a motion to approve the consent agenda. Commissioner Connolly seconded the motion. Motion carried unanimously.

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- A. Monthly Departmental Reports
- B. Committee Reports
- C. Codes Report
- D. Approval of Request to Place Ladder 91 (2017 Pierce Enforcer Ascendant 107' Aerial) out for bid – this was removed from the Consent Agenda and moved to item 14A on the agenda

9. **Consideration of Minutes:**

- A. **Regular Meeting I of February 7, 2024:** due to recent changes that the Commissioners did not have time to review, President Ellis moved to table these minutes to be reviewed at the first meeting in March. Motion seconded by Commissioner Zubeck. Motion passed unanimously.

10. **Reports:** Monthly reports are posted in the lobby of the municipal building.

- A. **Manager's Report:** Manager Fossleman explained that the Treasurer's Report is a report of cash flow and that a new report was being created to show actual revenues and expenses for each department.
- B. **Treasurer's Report:** Treasurer Yarzinsky presented the January 2024 Treasurer's Report. Vice President Steele made a motion to approve the January 2024 Treasurer's Report, as presented. Motion seconded by Commissioner Connolly. Motion carried unanimously.
- C. **Solicitor's Report:** no report was presented at this time. Commissioner Zubeck asked for clarification on the addition to the agenda from the prior week in the appointment of Manager Jim Fosselman as Assistant Secretary. Solicitor Wyland reiterated that this was done as an emergency action which falls within the guidelines of the Sunshine Act and that the ratification as listed tonight was to ensure that there would be no challenge. There was lengthy conversation about whether there was ever an Assistant Secretary and if that position received compensation for performing any duties.
- D. **Swatara Rising Comp Plan:** Director of Planning and Zoning Robert Ihlein stated that this is the 4 year anniversary of the Comprehensive Plan. PennDOT is moving into the final design plan for the intersection of Sycamore Street and Paxton Street. He continued by highlighting Sheadler Yesco, which started in Steelton and their 100th anniversary this year. There are several land development plans that may be presented over the next few months. He asked that new development plans be presented at the first meetings of the month while keeping discussion about those plans listed on the agenda for the second meeting of the month. He also asked that the plans be posted on the website so that residents can see the plans. Commissioner Connolly spoke about the fencing that was recently

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placed at the Harrisburg Mall site. Director Ilhein stated that a demolish plan was in place for that location and he will share that at a later date.

- E. **Fire Services/EMS Report:** Fire Chief Ibberson gave the January 2024 report as follows: 136 calls for service including 14 fires, 26 medical incidents, 14 hazardous conditions, 24 good intent calls and 43 false alarms. There were 56 active members with a dedicated total of 2,262 staffing hours and 134 training hours. They averaged 8.2 responders per incident with an average response time of 5 minutes and 35 seconds from dispatch to arrival. Mutual aid was provided 27 times and received 33 times. Paxtang Borough responded to 1 call for service. Chief Ibberson also gave the EMS report as follows: LifeTeam responded to 406 incidents. Mutual aid covered 35 of those incidents.
- F. **Public Safety Report:** Deputy Chief Stauffer gave the January 2024 Police Department Report as follows: 1,283 calls for service which included 89 Part I Crimes and 116 Part II Crimes. Officers arrested 77 people for Felony/Misdemeanor Crimes including 8 for DUI. Officers conducted a total of 24 foot patrols, 31 mobile patrols, 0 bicycle patrols and 23 school foot patrols. The complete breakdown of all calls is posted in the Township lobby and on the website for anyone who is interested. The Community Service Report is as follows: TEAM Program is still active with a lesson taught to the 5th graders at St. Catherine, 1 ride-along, drug drop box is still active with 19.85 lbs collected in January. Officer Ryder handled 5 Level 1 Inspections, 1 Level 2 Inspection and 4 Level 3 Inspections.

- 11. **Ratification of Appointment of Jim Fosselman to Assistant Secretary:** President Ellis made a motion to appoint Jim Fosselman to Assistant Secretary, seconded by Commissioner Connolly. President Ellis reminded everyone that this arose from an emergency situation where paperwork needed to be signed and the Township Secretary was unavailable.

Commissioner Tuckey	Yes
Commissioner Zubeck	Yes
Commissioner Connolly	Yes
Vice President Steele	Yes
President Ellis	Yes

Motion carried.

- 12. **Ratification of Tax Anticipation Note:** Vice President Steele made a motion to ratify the Tax Anticipation Note, seconded by President Ellis. Commissioner Zubeck reiterated

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her concerns about this need stating that we received over \$644,000 in the last quarter for business privilege tax.

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

Motion carried.

13. **Approval to Extend Auditing Services with Zelenkofske Axelrod LLC:** Vice President Steele made a motion to retain this firm as our auditors, seconded by Commissioner Connolly. Vice President Steele stated that the fees are remaining the same for 2024 as they were in 2023 and then there will be minimal increases over the next 3 years. Commissioner Tuckey asked if the rates were similar to other firms, Manager Fosselman stated that yes, they are similar to other firms that handle auditing for government entities.

Commissioner Tuckey	Yes
Commissioner Zubeck	Yes
Commissioner Connolly	Yes
Vice President Steele	Yes
President Ellis	Yes

Motion carried.

14. **Consideration of Resolution: Display of Banners Over State Roadways:**

Commissioner Zubeck made a motion to approve the display of a banner across SR3012, Derry Street, seconded by Vice President Steele. This would be for the Bressler Fire Company for their annual picnic on June 9th. Banner would be up from May 13, 2024 – June 11, 2024. Motion carried unanimously. This is Resolution R-2024-10.

- A. **Approval of Request to Place Ladder 91 (2017 Pierce Enforcer Ascendant 107' Aerial) out for bid:** President Ellis made the motion to place this apparatus out for bid, seconded by Vice President Steele. Commissioner Zubeck asked for additional information as she was only provided with a simple email with no details. Commissioner Connolly responded that there were discussion with the Fire Service Board over the past 2 years and that Chief Ibberson recently brought it to Commissioner Connolly's attention and that Ladder 91 is currently not being used. This is just the approval to place the item out for bid, it does not guarantee that it

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will be sold. Commissioner Tuckey raised concerns that over the past year plus, the other ladder truck had been out of service for an extended period of time. He feels that we should keep this equipment if there is another issue with the current truck that is running. Vice President Steele disagrees with Commissioner Tuckey and believes that we should look at saving taxpayers money by reducing apparatus instead of continuing to pay fifty-seven thousand dollars annually on this truck to just sit and not be utilized as well as the additional cost for insurance. Vice President Steele believe it's time to take a vital look at the fire service and begin the reduction of apparatus to save the taxpayers money. The Township pays approximately four hundred and ninety-eight thousand dollars annually to lease equipment and needs to free up cash flow to operate in the future long-term. The Township cannot continue to buy apparatus just because it's a want and not a need. He would like to head down the road of being fiscally conservative. Chief Ibberson stated that the Fire Officers often talk about reducing apparatus that we do not have staff to run. Commissioner Zubeck asked for clarification about the process going forward with the bids and wanted confirmation that bids would be approved by the Board of Commissioners before action was taken. She also asked for a list of all apparatus in the Township Fire Houses and the plans for each piece of equipment as well as how many times each has been called out and the staffing for each piece, she asked to go back 2-3 years. Commissioner Connolly confirmed that bids will all come before the board for review and approval or denial.

Commissioner Tuckey	Yes
Commissioner Zubeck	Yes
Commissioner Connolly	Yes
Vice President Steele	Yes
President Ellis	Yes

Motion carried.

15. Consideration of Resolution: Proposed Parking Restriction on North 67th Street:

Vice President Steele made a motion to approve the parking restriction, seconded by Commissioner Connolly. Deputy Chief Stauffer gave a brief overview that a complaint was made about a tractor trailer parking that obstructed the line of sight at the intersection. It is being proposed that a no parking for large vehicles be placed at the intersection of Clearfield Street and North 67th Street. Motion carried unanimously. This is Resolution R-2024-11.

16. Consideration of Resolution: Special Purpose Parking at 582 Highland Street:

Commissioner Connolly made a motion to accept the special purpose parking, seconded

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by Vice President Steele. Chief Stauffer gave a brief overview of the request for special purpose parking at the front of the house. Motion carried unanimously. This is Resolution R-2024-12.

17. **Subdivision/Land Development Plans:** Jamie Strong, Attorney representing Faulkner, along with Don Perry of Faulkner and Josh Cherman (??) with HF Lens who prepared the plans being presented tonight. Faulkner Mazda's lease is up at the end of the year and they are looking to relocate to the former Faulkner Honda location on Paxton Street. Part of this project is with Harrisburg City limits but the planned service building will be within Swatara Township. There were 3 waivers and deferrals requested with this project:

- A. A waiver of section 253.11 and 12 of the township subdivision and land development ordinance that requires the submittal of a preliminary plat,
- B. A deferral of section 253.13N requiring obtaining a state highway occupancy permit – this pertains to a section of the current curb that is not planned to be replaced as Faulkner parks cars in this area to that it cannot be used as a thruway for vehicles.
- C. A deferral of section 253.32.A requiring the construction of concrete sidewalks and curbs. The reason for this deferral pertains to the section along Wister Street where the grade makes it impossible to put in ADA compliant sidewalks.

Vice President Steele asked about any future plans for ADA sidewalks. Curbs ramps and sidewalks are along Paxton Street that are within the City limits. It was stated that it was not feasible from a technical standpoint to put in ADA ramps along Wister and Paxton due to the grade exceeding the maximum required ADA guidelines. Commissioner Connolly spoke about plans that were presented at the Planning Committee meeting that would bring improvements to the intersection of Sycamore Street and Paxton Street that could help for the current lack of sidewalks in this area along Paxton Street. Commissioner Connolly made a motion to accept the waivers and deferrals as presented, seconded by Commissioner Zubeck.

Commissioner Tuckey	Yes
Commissioner Zubeck	Yes
Commissioner Connolly	Yes
Vice President Steele	Yes to A and B but No to C
President Ellis	Yes

Motion carried.

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Commissioner Zubeck made a motion to approve the resolution for conditional approval of the preliminary/final land development plan dated November 29, 2023, seconded by Commissioner Connolly. This is Resolution R-2024-13.

Commissioner Tuckey	Yes
Commissioner Zubeck	Yes
Commissioner Connolly	Yes
Vice President Steele	Yes
President Ellis	Yes

Motion carried.

18. **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. Recreation Advisory Board: President Ellis made a motion to reappoint Jeanne Webster, Beth Sviben, Carol Marion and Katie Ibberson, seconded by Commissioner Connolly. Motion carried unanimously.
- B. Police Advisory Board: Commissioner Tuckey made a motion to appoint Lisa Dinnini, Cyndie Zalek and Bob Spandler, seconded by Commissioner Connolly. Motion carried unanimously. Commissioner Zubeck made a motion to appoint George Malakovic, seconded by Vice President Steele. Motion carried unanimously. Commissioner Connolly made a motion to appoint Richard Boudier, seconded by President Ellis. Motion carried unanimously. Deputy Chief Stauffer stated that the next meeting for the Police Advisory Board (Citizen's Advisory Council) is going to be on March 11th.

19. **Visitors Requests and Comments:**

- A. **Carol Marion, 1310 Kelley Road:** She asked Commissioner Connolly if the board went to the community to ask about changing from Ward Representation to At Large or was this something that the Commissioner chose to do. Commissioner Connolly was unsure of the decision but spoke about the requirements within Ward Representation that each ward, after a census, must be within 10% of each other based on population. He mentioned that years ago, there was a committee of citizens that were looking at reapportioning the population. The vast differences within the population of each ward started the discussion about changing to At-Large Representation. Solicitor Wyland stated that he believes that it's impossible to go

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back to Ward Representation but advised Carol to speak with someone who might be more familiar with the statues to see if making this type of change would even be possible. Commissioner Zubeck stated that she feels that by being voted in at large, it makes her more accountable for the whole Township and not just a single ward.

Solicitor Wyland received an email that indicated that a member of the Police Advisory Board was also a member of the Zoning Hearing Board and that there is a provision in the municipality's planning code (Section 903A) that prohibits zoning hearing board members from holding any other appointed position. Commissioner Zubeck then made a motion to withdraw her nomination of George Malakovic to the Police Advisory Board, seconded by President Ellis. Motion carried unanimously.

- B. **Mary Klaus, 447 Pritchard Court:** she mentioned that there were to be 3 meetings regarding the ward vs at large representation but after the first hearing, the commissioners voted to change to at large without having the remaining 2 hearings. She mentioned that 2nd and Charles at the Harrisburg Mall continues to tell customers that they are staying even though the mall is scheduled to be demolished. She concluded by talking about the Fish Fry Meals at the Chambers Hill Fire Company would be starting this Friday and continuing through lent.
- C. **Chris Fries, 3800 Brisban Street:** He spoke out against placing Ladder 91 out for bid as he feels that this apparatus is better equipped to serve our Township and that if we wanted to reduce apparatus, we should look at other pieces.

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

21. **Commissioners Requests and Comments:**

- A. **Commissioner Tuckey:** He spoke about his concerns in reducing the apparatus by placing Ladder 19 out for bid. He thanked everyone for coming out to the meeting.
- B. **Commissioner Zubeck:** She is holding out for the additional information that she requested about the current apparatus and the decision to place Ladder 91 out for bid. She spoke about how hiring a mechanic to work on the apparatus a few years ago saved the Township thousands of dollars. While we do have mutual aid, she feels that we should be able to take care of our own residents without relying on others because we don't have the equipment available. She asked that the events happening within the Township be added to a calendar for the Commissioners to know and be able to attend. She thanked the police, fire and all those who worked to clean up after the storm the day before.
- C. **Commissioner Connolly:** He opened his comments by speaking about being the chair of public safety for several years and how there is always someone who disagrees with decisions that are made. This is a time when the fire officers all agree on the decision that was made regarding Ladder 91. He spoke about the meetings

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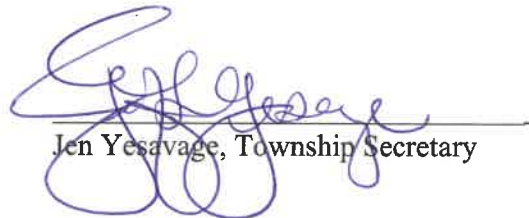
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regarding the ward vs at-large system and explained that the meetings were scheduled after the Township was required to notify the county of how many seats would be available. If those meetings happened after that date, it would have pushed back the process to go at-large. He thanked everyone for their work during the storm that happened the previous day. He spoke about the Treasurer's Reports that he had for the past 4 years as he had been asked about these by a resident at a previous meeting and highlighted some money transfers out of the Capital Reserves that happened in recent years at this time and likened them to the Tax Anticipation Note that was ratified earlier in the meeting and stated that if the Capital Reserve were higher, this board would have transferred money without having to go to a bank and request the TRAN.

- D. Commissioner Steele:** He thanked the first responders for their work during the storm and thanked those that came out to the meeting and those that watched online.
- E. Commissioner Ellis:** She spoke about comments that were raised on Facebook and by a resident at a previous meeting about the board being partisan and talked about how Swatara Township became a first class township in 1911 and this is the first time in those 113 years that a Democratic majority sits on the board. She spoke about this to say that there will always be discussions, differing views and disagreements among the Commissioners. She spoke about February being Black History month and highlighted Midland Cemetery being on the National Registry of Historic Places. She concluded by thanking the public works department on their work during the storm on the previous day. She thanked those in attendance and those that watched online.
22. **Adjournment:** Commissioner Connolly made a motion to adjourn the meeting at 10:07 p.m., seconded by Commissioner Zubeck. Motion carried unanimously.



Jen Yesavage, Township Secretary