

EAST PENNSBORO TOWNSHIP
BOARD OF COMMISSIONERS
APRIL 4, 2018

Regular Meeting

7:00 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, April 4, 2018, at 7:00 p.m. at the Community and Municipal Center, 98 S. Enola Drive, Enola, Pennsylvania.

Those present were: Commissioners – John Kuntzelman, President; George Tyson, Vice President; Kristy Magaro, Charles Gelb and Raymond “Skip” Magaro; John Pietropaoli, Township Manager; Lisa M. Coyne, Esquire, Township Solicitor; John B. Owen, Codes Enforcement Officer; Jared Hockenberry, Township Engineer; Dearan Quigley, Housing & Community Development; Acting Chief Mark Green, Police Department; and Erik Owen, Fire Marshal.

I. CALL TO ORDER

President Kuntzelman called the meeting to order at 7:00 p.m. A moment of silent meditation was observed, followed by the Pledge of Allegiance to the Flag.

II. APPROVAL OF MINUTES

MOTION approving the minutes of the Regular Meeting of March 7, 2018, was made by Mr. Tyson, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

III. APPROVAL OF REPORTS

MOTION approving the following itemized reports:

1. Building Permit Report - February and March 2018.
2. Police Report - February 2018

was made by Mr. Gelb, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

IV. EXECUTIVE SESSION

Ms. Coyne noted for the record an Executive Session was held this evening from 6:30 p.m. to 7:10 p.m. for purposes of personnel, with no action taken.

V. PRESENTATION

Mrs. Alicia Stine addressed the board on behalf of the East Pennsboro Branch of the Fredrickson Library, informing them that the branch library is now open every Wednesday until 8:00 p.m. She presented to the board the library's 2017 report, which notes there were 35,600 visitors, 51,000 items checked out, and 4,500 children attending the programs. She noted for a township population of 20,228, those are great numbers. She reminded the board of the library municipal breakfast with all elected officials on Tuesday, April 17 at 8:30 a.m. This is a time when the library staff gives their report to all the elected officials, noting if it would not be for the support they receive from all the municipalities, the library could not do the things that they do.

Mrs. Stine informed the board replicas of the stained glass window of the Enola rail yards are for sale. She also reminded everyone that any funds they give to the library system should be earmarked for the East Pennsboro branch. She personally thanked the board for the foresight it had several years ago when it started the branch library, and the board should be very proud.

Mr. Andrew Giorgione, Solicitor for the Cumberland County Industrial Development Authority, and Mr. Charlie Courtney, with McNeese, Wallace and Nurick, representing the developer Trammell Crow, addressed the board and the public regarding their ideas for development in advance of submitting formal paperwork. He recapped that in 2014 the CCIDA obtained \$3 million in transportation related grants from two different sources of the Commonwealth, which happened around September 2014. The grants were necessary because they knew there would be transportation improvements necessary to develop the site, and having spent the better part of 4 or 5 years trying to develop it, that kind of money was needed to entice a developer to come to the site. Those grants will be used to upgrade improvements on First Street, Valley Road, the intersection of 11 & 15 and Valley Road, the intersection of First Street and Valley Road, and providing a slip ramp off of 11 & 15.

A public meeting was held on March 1, and while there were many issues raised that night from the neighbors, certainly the most important was traffic concerns particularly along Valley Road and First Street right now. The current budget for the traffic improvements around the site is close to \$5 million. There are \$3 million in grants, but the additional \$2 million will be put up by the private developers to complete all the traffic improvements. Some of those improvements, like the new access ramp off 11 & 15, will enhance the traffic off the area by taking less cars up First Street and Valley Road.

They believe the current proposed mixed use development will have less intense traffic than what they had been trying to develop, and the traffic counts bear that out. Because they believe the \$5 million investment will be a net benefit to the area, they recently filed a third extension for use of the grants and were granted until June of 2019, with the understanding that if they are far along in the project they can get another extension, but the farthest out they will be able to go is September of 2019.

The construction schedule for the improvements is somewhere in the neighborhood of six months. Mr. Courtney stated there are two developers of the property: 200 First Street is the smaller retail portion, and Trammell Crow is the developer of the balance of the site, which is currently contemplated to be two buildings of different sizes, likely to be multi-tenant buildings for light industrial uses, such as some assembly and e-commerce. Those buildings will be designed to look like office buildings. At this point, given the grant extensions, PennDOT process is the most critical path for the disposition and use of the property. He noted when they met with residents on March 1, they got a lot of good feedback of things they will look at in the development process, the major issue being traffic. He noted some trucks currently use Valley Road to get to the Sunbelt facility in Hampden Township. Because 11 & 15 is a limited access highway, to help keep traffic off Valley Road and First Street, they have to break the limited access, which means they have to go through an Access Land Committee at PennDOT, which adds more time. Scoping has been done, and they are in the traffic study process. That study has to reflect the land uses that are contemplated. The study that is out there is outdated, so they have to update the study, which will take until mid to late summer, and then they have to go through the design process.

He compared the new study, looking at traffic generation of what was previously proposed as office/retail, utilizing data collected at similar facilities that Trammell Company has for what is being proposed now, the morning peak hour will see a 54-percent reduction in traffic, and a 60-percent reduction in the evening peak hour. ITE Data suggests there is a 50-percent reduction in the morning peak hour and a 58- versus 10-percent reduction in the evening rush hour. That information will be reflected in the updated traffic study.

Mr. Gelb asked Mr. Courtney about breaking access for Valley Road and 11 & 15 that he mentioned, would that be because there are only certain size vehicles that are allowed there now? Are they looking to make it so that bigger, bulkier vehicles would be able to go on 11 & 15 and Valley Road, where they cannot now? Mr. Courtney stated Sunbelt was the only facility identified, but there are trucks that would use the road, and they will have to discuss what truck

restrictions are appropriate. This site is at an interchange so any trucks coming to the site should be coming through the interchange, barring an accident on I-81 and vehicles are rerouted. Everything designed on-site at First Street and Valley Road and the intersection of 11 & 15 have to be designed today to accommodate the largest trucks. The break in limited access has nothing to do with truck size. That limited access on I-81 extends on 15 and either goes to the intersection of Valley Road and 11 & 15 or a little past.

Mr. Gelb asked if a turn in off First Street or a turn in off 11 & 15 would need to have a study done for access from those two roads. Mr. Courtney stated township staff will ask for truck turning templates so everything has to be designed to accommodate the biggest potential vehicle. Mr. Courtney noted the fact that it is next to an interchange, it is much less likely that they will have trucks getting off at Wertzville Road and coming up through unless there is a problem on I-81. Additionally, the township can consider putting in place regulatory frameworks, such as the one Camp Hill has done within the borough when the prospect of a development project caused the municipality to think they ought to start imposing some truck limitations so that trucks are using the appropriate roads.

Mr. Pietropaoli noted the plan that was originally submitted by Sil Lutkewitte has been withdrawn, so there is nothing in the township's hands to review. He asked when the township should expect something so the residents have an idea of when it might be before the Planning Commission. Mr. Courtney stated the earliest Planning Commission meeting would be May.

Ms. Magaro asked about the suggestion that peak traffic will go down during peak traffic times, based on data at similar Trammell developments, and asked if this was experienced at other Trammell developments in the area. Mr. Courtney noted there are other similar buildings around the area but not similar buildings that Trammell Crow has developed.

Mr. Skip Magaro asked whether the buildings they want to put up are manufacturing centers or transfer stations. Mr. Courtney insisted they are not a truck terminal. He noted the types of uses they are talking about with the two buildings, they are not doing a million square foot building, so when the building gets smaller, the types of uses become flex space because there are multiple type users involved. In other similar Trammell corporate facilities there is one that is a laboratory, others are used for light assembly, fabrication. There are some where there might be some type of e-commerce distributor. The smaller the building, the more it becomes some type of an assembly use.

Ms. Danielle Jacobs, 305 First Street, Summerdale, noted in the previous meeting for the village residents, the two buildings were suggested to be warehouses, one with 75 bays and one was smaller, which she estimates a total of 125 bays. With 125 bays, one truck an hour is more than what the traffic study indicates. Mr. Courtney stressed it will not be a transfer station. Ms. Jacobs asked if there will be a slip coming off 11 & 15 into the complex. Mr. Courtney stated they have to amend the existing plan to show the use and move forward with a TIS approval and final HOP.

Ms. Jacobs asked whether the mixed use requires a zoning change. Mr. Courtney indicated it does. Ms. Jacobs noted if they are talking about mixed use, they do not technically know who will use the properties, so even if there is a plan and even if it is built, who will lease the properties? She expressed concern that her business will be severely impacted if there is a traffic light next door to her and two or three trucks stop at the light. They would not let her clients out of her business. Mr. Courtney suggested that comment is relevant to the PennDOT discussion because part of what they are going to have to do in that process is when evaluating roadways, when PennDOT and township staff are looking at it, they will evaluate not only how efficient the intersections are from a delay standpoint in terms of how long you have to wait until you can turn, they also look at human factors, how far it can back up. They cannot have cars backing up past driveways. They will have to have some accommodations made, so those are the things the traffic study would have to address. Ms. Jacobs asked how they can do a traffic study if they do not know the tenants of the land. Mr. Courtney indicated they know the types of uses.

Mr. Mark Deveney, 912 Valley Road, asked if this proposed plan does go through and signs are put up on Valley Road limiting the access to tractor trailers, where will the funding come from to control who is coming down that road? He asked if funds were going to come from the township Police Department and if they will have to pay somebody to sit there and regulate it, or whether there will be State funds. Acting Chief Green stated it is the township's responsibility to patrol it and enforce the restrictions. Mr. Deveney asked why it is not done now with the Sunbelt traffic going through there eight or nine times a day. He noted the traffic on Valley Road now is horrendous and will be worse with more tractor trailers coming down. He understands the need when there is an accident on I-81 by Wertzville Road, but not to use that daily for transportation purposes or a shortcut. President Kuntzelman indicated that road was not designed for such use.

Mr. Pietropaoli noted part of the Sunbelt problem was since that was an existing building, the structure where Sunbelt went in, their permitting with PennDOT was an easier step. They used an existing driveway so when Sunbelt

went in the township did not see a review because it was not a land development, it was somebody leasing a property. If Sunbelt were to go in today to a vacant property, they would probably be making improvements on that strip of Valley Road at least up on the Hampden Township side. Mr. Deveney asked if there was any way that East Pennsboro can step in to try to block them. Mr. Pietropaoli noted at this time the township would have to get PennDOT's consent. Mr. Deveney said he called PennDOT and they said East Pennsboro has to go to PennDOT first. Mr. Pietropaoli said he will research deeper into the request. Mr. Tyson suggested maybe the township could engage Sunbelt, as their management may not even know the sensitivity to the traffic and indicate we understand there are times you may need to go down Valley Road, but as a good neighbor, we would appreciate if you made a left and used I-81 instead of making a right. Mr. Tyson volunteered to engage with Sunbelt regarding the sensitivity. Mr. Pietropaoli will call the PennDOT safety liaison.

Mr. Dave Schory, 914 Valley Road, asked if there was ever a traffic study done on Valley Road from Salt Road, because it has turned into a super highway. Mr. Pietropaoli noted East Pennsboro did a traffic study on Salt Road when it was realigned. When Hampden Township built the new plaza on their side, they did a new study. As it develops further, staff may have to revisit those numbers and make sure that they are not missing anything at upcoming intersections. Mr. Pietropaoli noted all of those intersections will have to be studied, either with this study or another one down the road.

Ms. Barb Gertzen, 835 Magaro Road, asked if the Summerdale property plans will be before the Planning Commission meeting on April 12. Mr. Pietropaoli noted there will not be a plan review meeting for this property this month, but it may be at the May meeting.

Mr. Gene Assante, 817 Acri Road, complimented Eric Brewbaker and the Highway Department for the way they handled these numerous snow storms lately. He also thanked the Commissioners for giving him the opportunity to serve on three different boards over the years. President Kuntzelman stated the board appreciates his service.

VI. ITEMS FOR DISCUSSION AND APPROVAL

MOTION to approve Resolution no. 2018-08 recognizing Jim Leonard for his dedicated service as a community volunteer in East Pennsboro Township, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

Mr. Leonard thanked the board. He stressed the Historical Society is on the move in the township. They have a wonderful building thanks to the board. Their hopes are in the long run through the development in Summerdale that something can be worked out and they can intervene with the folks involved with that development and form a partnership in some way either with the township like at their current location or they would have to make an outright bid for the Enola Miller house, if they get an opportunity. Their goal right now is to try to save the house, which may be a consolation for Summerdale.

MOTION authorizing payment of invoices and payroll pending review and signatures of Commissioners, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to accept the resignation of Eugene Assante of 817 Acri Road, Mechanicsburg, from the Planning Commission, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

President Kuntzelman thanked Mr. Assante for his years of service.

MOTION to appoint Paul Hartman of 130 Lancaster Avenue, Enola, to the Planning Commission until February 1, 2019, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to appoint Paul Hartman of 130 Lancaster Avenue, Enola, as citizen representative to the Cumberland County Industrial Development Authority for the Summerdale project, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a majority of aye votes, with Mr. Gelb voting in the negative.

MOTION to approve the 2018 employment agreements for township appointed personnel, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

Mr. Pietropaoli noted when the Board of Commissioners reorganize every year they appoint a Township Manager, Assistant Manager, Police Chief, et cetera, and adopt employee agreements. This year they were held back because the Police Chief was leaving in April. They wanted to make sure the employee relations attorney rewrote them together with the same language so everyone was updated.

MOTION to approve Resolution no. 2018-05 of the Township of East Pennsboro, Cumberland County, adopting the Joint Emergency Operations Plan (EOP) for East Pennsboro Township, was made by Ms. Magaro, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

MOTION to approve Resolution no. 2018-06, of the Township of East Pennsboro, Cumberland County, application for traffic signal approval to the Pennsylvania Department of Transportation for a new traffic signal at the Erford Road/Poplar Church Road intersection, was made by Mr. Tyson, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

MOTION to authorize the release of the PNC Bank issued Irrevocable Standby Letter of Credit for the Holy Spirit Hospital Emergency Department Expansion project in the amount of \$41,308.00, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to approve the appointment of Angie McMaster to the East Pennsboro Township Civil Service Commission to complete a term ending February 1, 2021, was made by Mr. Gelb, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve Resolution no 2018-07 of the Township of East Pennsboro, Cumberland County, providing for the furnishing of electric streetlighting service to the township, was made by Mr. Skip Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

Ms. Coyne addressed the board regarding a real estate tax assessment appeal for 225 Grandview Avenue where a resolution has been reached and ratified by the school district with an agreed assessed value of \$7.5 million as of January 1, 2018. She noted the school district is looking for authorization and approval to execute this stipulation and joint motion for an agreed order relative to 225 Grandview Avenue, East Pennsboro Township, Cumberland County, appellant Merrill Lynch Mortgage, docket no. 2017-09326, by the Board of Commissioners.

President Kuntzelman stated he does not agree with the school district telling the board what to do, especially with the last few reassessments where hundreds of thousands of dollars in tax money has been lost, and there are more reassessment appeals in the works. He noted this property was originally assessed at \$14,715,000 and the parking garage was separated at more. Mr. Skip Magaro stated he is totally dismayed that the school district did not contact the Board of Commissioners and at least talk to them.

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Ms. Coyne will report back to the taxing bodies that there is no authority to execute this. She will request guidance as far as moving forward with the litigation during Executive Session.

Mr. Pietropaoli noted an alternate is needed for the Civil Service Commission and asked the board to consider one for the next meeting.

MOTION to adjourn the meeting at 8:50 p.m., was made by Mr. Skip Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.