

EAST PENNSBORO TOWNSHIP
BOARD OF COMMISSIONERS
MAY 2, 2018

Regular Meeting

7:00 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, May 2, 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, Assistant Township Manager; Jared Hockenberry, Township Engineer; Dearan Quigley, Housing & Community Development; 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 remembering Joanne Brougher, who worked in the library, followed by the Pledge of Allegiance to the Flag.

II. APPROVAL OF MINUTES

MOTION approving the minutes of the following itemized meetings:

1. Regular Meeting - April 4, 2018
2. Regular Meeting - April 18, 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 Police Report of March 2018, was made by Ms. Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

IV. PRESENTATION

Commissioner Tyson and Chief Mark Green presented Resolution no. 2018-11 to James Derstine for 16 years of dedicated service to East Pennsboro Township Police Department. Chief Green also presented a citation on behalf of Representative Rothman. Mr. Derstine stated he has been serving since 1961. It has been enjoyable, and he is now a member of the Fire Police so he has not left us.

Mr. Tyson presented Resolution no. 2018-12 honoring Donald L. Rynard for 29 years of dedicated service with the East Pennsboro Township Police Department.

Chief Green presented a citation from the House of Representatives sponsored by Representative Greg Rothman. Chief Green noted when an officer retires from the department, they let him keep his last issued side arm. Detective Rynard's Service revolver was presented by Chief Green, along with a plaque from the Police Department.

Mr. Tyson presented Resolution no. 2018-11 honoring Chief Todd M. Bashore for 29 years of dedicated service with East Pennsboro Township Police Department. Chief Green presented a citation to Chief Bashore from Representative Rothman, his service arm, and also a plaque from the Police Department. Chief Green noted Chief Bashore and Detective Rynard were sworn in together and retired together.

President Kuntzelman introduced representatives of Access, the township's employee assistance program for township employees who need any type of counseling. Access is dedicated to the commitment of the emotional well-being of staff. The most important achievement is to care for those in your command. They presented a certificate of appreciation to Chief Bashore for the Chief's support of the well-being of the officers in the Police Department, as he developed and expanded the program and has always been very supportive.

V. BUSINESS FROM THE FLOOR

Ms. Sandi Peiffer, 167 South Enola Drive, and also 3 Hazard Lane, addressed the board concerning keeping chickens. Three years ago she took a 10-week course regarding raising chickens for many reasons, including guarding against a more processed and genetically modified food supply. She presented to the board the value of raising chickens, most importantly health reasons. She and her husband bought property on Pine Hill Road and have maintained a flock of chickens for the last five years. They recently received a letter that they had to remove the flock from the property as it is zoned residential.

Ms. Peiffer noted a chicken needs about 8 square feet of space in a fenced run, less if they can be let out to forage. An 8x8 shed would house a flock of chickens and produce 8 to 10 eggs per week. Their noise is about the same decibel level as human conversation. She noted there are 10 dogs within a three-house radius and their hens do not begin to compare to the noise of the dogs. She noted back yard flocks of chickens are significantly healthier and have

excellent immune systems and have very low risk of avian flu. Cities that allow Board of Commissioners

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back yard chickens are New York City, Washington, D.C., Baltimore, Cleveland, Miami, Richmond, and Syracuse. Factory chickens are bred to lay lots of eggs or to grow fat quickly for meat and are far less nutritious. Family flocks tend to be made up of diverse heritage breeds that are healthier and live longer. As a local food supply, they can be a vital part of disaster preparedness.

Ms. Peiffer noted she has one week to get rid of her chickens. She asked the board to please consider creating a back yard poultry ordinance for East Pennsboro Township in residential zones.

President Kuntzelman thanked Ms. Peiffer for her presentation. He noted the board is looking into a chicken ordinance and also issues with produce stands.

Mr. Pietropaoli asked if the board can provide a stay or temporary relief on enforcement for Ms. Peiffer where the enforcement does not take place until they get an answer back since the ordinance is in review. Ms. Coyne noted Ms. Peiffer's warning letter is a nontraffic summary citation.

Ms. Coyne stated the ordinance has been in the works for two and a half years and the ordinance has been advertised. Mr. Owen noted it was originally part of the cat ordinance as far as animal control. The cat ordinance was pushed through and the board wanted to review the back yard chicken ordinance a bit more. Last review it was put in the Police Department's hands and they are handling it through animal control, but there are no experts on staff to deal with the issue.

Mr. Skip Magaro asked where they chickens are housed. Ms. Peiffer stated they are in an enclosed coop at Three Hazard Lane on a 4.79 acre property. Mr. Gelb noted when the board originally looked at the chicken ordinance it was pulled out to review more deeply for tighter residential areas than almost 5 acres. He suggested granting a continuance, since this property is way above the land requirements the board was originally considering.

Mr. Rick Magaro stated before the township decided to grow houses it used to be all farms and he believes the Peiffers should be given the right to have as many chickens as long as they control them. He asked what the difference was between a chicken and a dog, and there are properties with numerous dogs in the township. He suggested they be grandfathered under a farm because all properties in the past were farms.

MOTION directing the warning letter that had a timeframe for Ms. Peiffer

be suspended for a 90-day period upon further review by township staff with Board of Commissioners
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regard to the proposed chicken ordinance and the comments this evening, was made by Mr. Gelb, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

Ms. Danielle Jacobs, 305 First Street, Summerdale, asked the board if any plans other than the text amendment has been submitted regarding the Summerdale tract. President Kuntzelman stated the board has received nothing. Ms. Jacobs asked how they can be asking for a zoning change or text change if they do not really know who will be utilizing the mixed use buildings, but they are asking for light industrial. She suggested the new tenants ask for a variance per issue. She suggested if the board approves light industrial, they will have warehouses.

President Kuntzelman noted until they submit a plan, the board cannot tell them what to do with the property. Mr. Quigley stated technically at this point it has not been referred to the Planning Commission. Until it is officially referred, it is not officially actionable. Ms. Jacobs noted the board and residents do not know what will go in there and that could destroy everything she has worked for in her business for 20 years.

VI. ITEMS FOR DISCUSSION AND APPROVAL

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

MOTION to approve Resolution 2018-11 of the Township of East Pennsboro, Cumberland County, honoring Todd M. Bashore for 29 years of dedicated service with the East Pennsboro Township Police Department, East Pennsboro Township, Cumberland County, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve Resolution no. 2018-12 of the Township of East Pennsboro, Cumberland County, honoring Donald L. Rynard for 29 years of dedicated service with the East Pennsboro Township Police Department, East Pennsboro Township, Cumberland County, was made by Ms. Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to approve Resolution no. 2018-13 of the Township of East Pennsboro, Cumberland County, honoring James R. Derstine for 16 years of dedicated service with the East Pennsboro Township Police Department, East

Pennsboro Township, Cumberland County, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Ms. Coyne introduced Benjamin Reid, a public finance attorney with the law firm of Eckert Seamans in Harrisburg. He was formerly with the law firm of Rhoads & Sinon, which served the township as bond counsel for many years. He noted he was trained and mentored by both Frank Leber and Paul Lundeen. He appreciated the opportunity to continue Rhoads & Sinon's tradition of bond counsel. He explained what bond counsel does regarding financings, drafting all the paperwork, guiding the board through the process along with other professionals including the assistance of the Solicitor to go from beginning to end to get money to refund old projects or finance new projects.

MOTION to appoint Benjamin Reid of Eckert Seamans as bond counsel for the Board of Commissioners, was made by Mr. Skip Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to authorize the Township Engineer to proceed with the 2018 roadway improvements per proposal from C.S. Davidson dated April 11, 2018, in the amount of \$31,000.00, was made by Mr. Skip Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to appoint Scott Trask of 27 Sunfire Avenue, Camp Hill, PA, to the Board of Health for a term ending February 1, 2020, was made by Ms. Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to approve Resolution no. 2018-10 of the Township of East Pennsboro, Cumberland County, establishing member contribution to the police pension plan to be 1.50 percent for calendar year 2018, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

VII. NEW BUSINESS

Mr. Pietropaoli reviewed the police renovation cost to date. Flooring is taking place, and furniture will arrive on May 14.

The wellness committee will be doing a spring wellness walk in the park June 8, from 1:00 to 3:00 p.m. All employees are invited.

The West Shore Area Authority met last evening to look at a few financing issues with Messiah Village and Chapel Point in Carlisle.

An Intergovernmental meeting with the school district was held yesterday. Mary Kuna from the county attended. They would like to get the intergovernmental committee meetings back on a quarterly basis.

Mr. Quigley asked if the board wanted to refer the text amendment to the Planning Commission. Ms. Coyne acknowledged the submission received at the township on April 23 of a proposed text amendment was referred to the Planning Commission for review, and concurrently sent to the county for their review and recommendation, for which the application and submission fees have been paid. The next step under the ordinance is for it to be reviewed by the Planning Commission.

Mr. Tyson informed the board about an event that happened last Thursday when a few Commissioners and staff were out with the representative from C.S. Davidson to look at roads. About an hour after the meeting started, Commissioner Magaro pulled a pit bull off a dog it was attacking. The rescued dog will be fine because of Commissioner Skip Magaro. Mr. Rick Brewbaker was also involved and is also a hero.

Mr. Tyson noted for the record that he went to Sunbelt and talked to the manager and asked if he would consider having his drivers make a left out of their complex and use I-81. He completely understood with no hesitation and said he would do so, although he could not guarantee there would not be any trucks going down Valley Road. Mr. Deveney confirmed that he noticed significantly less truck traffic. President Kuntzelman thanked Mr. Tyson for his work. Mr. Deveney thanked Commissioner Tyson for talking to Sunbelt. He and everybody on Valley Street appreciates it. President Kuntzelman stated it is nice for the Commissioners to step out and do their thing, but it is nicer having township residents thank them for their help.

Mr. Pietropaoli noted Mr. Jay States is digging up the old traffic counts that he has on some of these intersections and he will address the board at a future workshop.

Mr. Dave Shorey thanked the Police Department for putting up a speed trap at the school zone on Valley Road he discussed at the last meeting. Mr. Hockenberry noted PennDOT's contract will start May 14 for the work on Valley Road. There will be ancillary work before they start paving. Utility work is completed.

MOTION to adjourn the meeting at 7:54 p.m., was made by Mr. Tyson, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.