

EAST PENNSBORO TOWNSHIP  
BOARD OF COMMISSIONERS  
JULY 11, 2018

Regular Meeting

7:30 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, July 11, 2018, at 7:30 p.m. at the Northeast Fire and Rescue, Summerdale, Pennsylvania.

Those present were: Commissioners – John Kuntzelman, George Tyson, Kristie Magaro, Charley Gelb, and Raymond “Skip” Magaro; John Pietropaoli, Township Manager; Lisa M. Coyne, Esquire, Township Solicitor; John Pietropaoli, Township Manager; John B. Owen, Assistant Township Manager; Jared Hockenberry, Township Engineer; Dearan Quigley, Director, Housing & Community Development; Chief Green, Police Department; and Erik Owen, Fire Marshal.

I. CALL TO ORDER

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

President Kuntzelman thanked Summerdale Fire Company for hosting tonight's meeting.

II. APPROVAL OF MINUTES

MOTION to approve the minutes of the Regular Meeting of June 6, 2018, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Mr. Pietropaoli noted for the record there is a discrepancy on resolution numbers. He, John Owens, and Ann-Marie Sweeney will work to get them corrected and the Board will have to re-approve older minutes with the change in numbers.

III. APPROVAL OF REPORTS

MOTION approving the following itemized reports:

1. Building Permit Report - June 2018
2. Police Report - May 2018

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

President Kuntzelman asked the Assistant Manager to provide an update on the Summerdale property.

Mr. Owen noted there have been several misleading articles in the newspaper, but tomorrow evening the Board of Commissioners will not be approving anything. The Planning Commission will be reviewing it tomorrow and it will be just a recommendation. The law firm that represents Trammel Crow, the developer of the site, put out another amended application or text amendment that amended their text application, so the Planning Commission has to review that in addition to the other one that was put in two months ago. There will be no official action by the Board of Commissioners tomorrow evening. It will be a Planning Commission review, and the Planning Commission is only a recommending board to the Board of Commissioners. It is not certain if they will even make a vote tomorrow night, but they are viewing the text amendments.

Mr. Pietropaoli noted the Cumberland County Planning Commission has only acted on one amendment and they have received the second one but have not acted on it. Mr. Owen noted unless told otherwise, the county will review that on July 19, at their next meeting.

Ms. Coyne reiterated there is no action by this board and there will not be any action taken by the board unless there is a public hearing, and no public hearing has been scheduled.

#### IV. BUSINESS FROM THE FLOOR

Mr. Gene Assante, 837 Acri Road, requested an update on the collection of delinquent sewer and trash billings at a future meeting. Mr. Pietropaoli will have an update at the next meeting. He noted another group of 100 is at the attorney's office now.

Ms. Barb Gertzen, 835 Magaro Road, Enola, asked if there was any update on the historic overlay Zoning Ordinance motion, the development of the historic overlay Zoning Ordinance. Mr. Quigley noted at this point the Planning Commission has a committee formed to take a look at that, but there has been no action by the Planning Commission.

Mr. Dale Crossland, 627 Mountain Road, announced that on July 28, the Northeast Fire and Rescue, along with Union Fire Company of Carlisle, will be having an all-day gun/money bash where you can win guns and cash prizes, with the first prize being at \$3,500 at 12 o'clock, and the last prize being \$15,000. All the beverages and food you can eat. Tickets are \$50, which supports the firehouse. It will be at the Carlisle Fair Grounds, and you do not need to be present to win.

President Kuntzelman thanked Mr. Crossland and Northeast Fire Company for their service responding to the recent spate of fire calls. There was a call last night on Country Club Road and he noted the firemen responded long before he had a chance to arrive.

Mr. Jim Leonard, 65 Pine Ridge Circle, representing the historical society, informed the board they received a letter from the U.S. Board of Geographic Names, from the U.S. Geological Survey, in response to a petition put in by Mr. Gene Wingert from Enola to name one of our local runs. At this time, it is official that the run that comes from the mountain through the high school property and all the way down to Possum Hollow, Creekside Drive, to the Conodoquinet Creek is now named the Enola Run. It became official June 28, 2018. He will provide the board with a copy of the letter for the new official township map.

Mr. William Brougher, 642 Mountain Road, addressed the board as a former Emergency Services Carnival chairperson and congratulated Sarah Brougher and her husband, William Brougher, Jr., Zach Brougher, and Doug Nett, who did a very efficient job on this year's carnival. Unfortunately, Mother Nature once again did not cooperate, but there was a lot of effort and dedication that went into the endeavor and he wanted to commend them for their hard work, as well as the efforts of the township staff and Board of Commissioners to help bring it all together. He noted every little bit helps.

Mr. Brougher updated the board as president of the Northeast Fire and Rescue about all the upgrading going on at the facility. They have been working on this for years. The building hosting tonight's meeting was built in 1954, the firehouse in 1974. Between the property they bought to the north, the engagement with the architect and his engineering services, they removed the fuel tanks, for which he thanked the board for working with them to get rid of the fill, and also with demolishing the houses. There will be much more work upcoming, and he noted they are excited to work with the board to see what can be done to keep everything moving in a positive forward motion. The houses were demolished for free, and barring the cost of the disposal of the debris, his most recent calculation indicates a little over \$400,000 yet to be invested in the station for the work to be done. They will keep the board updated, and they appreciate working with the township.

President Kuntzelman noted the board is grateful to help because the fire company protects everyone. Mr. Josh Matter, Chief of Northeast Fire Company, thanked the board and administration for their continued support. He noted there is much more work to be done to make it as efficient as possible, but appreciates all the cooperation with the township.

Ms. Jane Farringer, 317 First Street, Summerdale, asked how many trash cans are allowed to be put out for trash collection. Mr. Pietropaoli noted for trash residents are

allowed to have four cans or bags. Ms. Farringer noted the waste hauler did not pick up one of their cans last week. Mr. Pietropaoli said in that event to call the township office. The hauler has a pickup truck that follows the garbage truck and will stop to find out why. Sometimes it may be filled with water, or maybe they did not see it, but the pickup truck following them will take care of it.

Ms. Farringer further noted cars are speeding on Second, Third and Fifth Streets in Summerdale, where there are no sidewalks.

Mr. Dale Roush, 708 Shaffer Street, noted he and Theresa Murphy were involved in an accident on June 13 on B Street and Valley Road and he wanted to thank the Police Department, Fire Department, and the ambulance for their responses. President Kuntzelman thanked them for attending the meeting and commending the response of the township's emergency services. He was glad everything was okay.

Ms. Chrissie Baldwin, 4 Larch Lane, a teacher at East Pennsboro High School present for item number 14 on tonight's agenda, noted if the board wanted to consider changing the motion from a reduction to waive, that would be great.

Mr. Sam Pool, 200 Front Street, West Fairview, noted the suggestion that the board arrive early at the summer meetings at various fire companies to hear the presentation from the local fire companies is very interesting, but it denies the rest of the community the opportunity to hear the good news, so the board might want to consider having a report for the minutes.

## V. 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 appoint William Diehl to the position of Police Lieutenant from the Police Lieutenant eligibility list, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

President Kuntzelman and Vice President Tyson presented Lieutenant Diehl with his new badge.

MOTION to approve the employment agreement between Police Lieutenant William Diehl and East Pennsboro Township, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve a handicap parking space for Mr. Kerry Crum in front of 11 Roosevelt Street, Enola, per recommendation of the Police Department, was made by Mr. Gelb, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve Resolution no. 2018-16 of the Township of East Pennsboro, Cumberland County, recognizing Keller Financial Inc., for their donation to the Police Department, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

Mr. Pietropaoli noted Keller Financial was kind enough to provide a donation to the Police Department for cubicles.

MOTION to offer a conditional offer of employment to Trevor Jeffers as a probationary Patrol Officer with the East Pennsboro Township Police Department, offer contingent upon successful completion of a physical, psychological, and polygraphic examination, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to adopt the MOU with the East Pennsboro Township School District in providing a Police Officer to be assigned School Resource Officer at the school district, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to award the 2018 Roadway Improvements Contract no. 1 to New Enterprise Stone & Lime Company, Inc., in an amount of \$89,482.00, as recommended by C.S. Davidson, Inc., upon review of the Township Solicitor, was made by Mr. Skip Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

The Board discussed the bid withdrawal request from Monacacy Valley Electric. Mr. Hockenberry noted there were three bids for the project, and the low bidder, upon realizing they made a mistake, immediately notified they made a mistake of about \$50,000. They forgot a package, and the contract allows for that to happen as long as they notify the township accordingly. He recommended the board accept their withdrawal and go with the second lowest bid.

MOTION to accept the bid withdrawal request from Monacacy Valley Electric, Inc., as the apparent low bidder for the North Pumping Station Electrical and HVAC Upgrade project, in accordance with section 00100, Article 16.03 of the project specifications, based on an error in their preparation of the bid, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to award the North Pumping Station Electrical and HVAC Upgrade project to Garden Spot Electric, Inc., in an amount of \$311,250.00, based on acceptance of the bid withdrawal request of the apparent low bidder, as recommended by GHD and upon review of the Township Solicitor, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION of support for the Center for Watershed Protection's Watershed Assessment Project, which will create a comprehensive plan for restoring local streams and reducing pollutant loading, to be submitted to the Growing Greener Grant Funding Program, and a commitment to fund the 15-percent match, not to exceed \$25,000.00, including \$10,000.00 of in-kind services, if the grant is awarded, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

The Board reviewed the request of reduction of the Irrevocable Letter of Credit from Triple Crown. Mr. Hockenberry noted following standard ordinance procedures, they received a request from Triple Crown to reduce their letter of credit. He did an inspection and came up with a different amount of the reduction, and has been back and forth with the developer. They have done some work since he did the inspection, and he believes they will want another reduction again on August 1, which he will present to the board again. The ordinance requires action within 45 days, which is July 29.

Ms. Coyne noted if the board fails to act tonight, it would be deemed approval of the request of their entire amount. She recommend the board approve as presented in the engineer's report, as she fully expects there will be another request for reduction at the next meeting based on the engineer's inspection and verification.

MOTION to approve the request of reduction of the Irrevocable Letter of Credit, S&T Bank, SB-004182, from Triple Crown Corporation dated June 14, 2018, of an amount of \$27,757.45 for completed public improvements, balance decreases from \$146,448.00 to \$118,690.55, per recommendation of the Township Engineer, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to authorize the Township Solicitor to prepare and advertise updates and changes to the township Sign Ordinance, was made by Mr. Skip Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

The board discussed the school district's request for a permit for a weather STEM station and STEM garden.

Mr. Gelb noted the project is great, and asked if there are any stormwater issues with run-off. Mr. Owen noted as a caveat to the request from the school, the board might want to consider a requirement that they implement some type of passive educational outreach with signs about stormwater, best management practices, and an evaporation area. The school is agreeable. If the board includes that as a condition, he will work with the school district to address it because it benefits everyone in the long run and helps the township with its MS4 stormwater requirements from the Federal government, as well as the requirements from the State. The students will also understand what the reduction of pollutants do and how stormwater is controlled in a micro sense, so they can hopefully apply it in a macro sense when they grow up and get out in the world.

MOTION to waive the permit fees needed to build, develop, and implement the addition of a greenhouse, Weather STEM station and STEM garden, from the East Pennsboro Township School District, subject to installation of stormwater management facility with educational signs within two years of construction of the greenhouse, was made by Mr. Gelb, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

Ms. Coyne reviewed the resolution presented by the West Shore Area Authority for purposes of a \$5 million project for Chapel Point home out of Carlisle for a 12-unit facility. They needed additional language, and another resolution was drafted. The West Shore Area Authority is a conduit issuer of a tax-exempt obligation. They are just a pass-through entity. There is no obligation on behalf of the township. The settlement for this project is scheduled for Friday. This resolution merely adds additional language saying that the project will not harm the health, welfare, and safety of the township.

MOTION to authorize issuance of the Certificate of Approval of the use of tax-exempt financing in an amount not to exceed \$5 million regarding the 2018 WSAA project for the Alliance Home of Carlisle, Pennsylvania, d/b/a Chapel Point of Carlisle, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

The board discussed an amendment to the Animal Control Ordinance regarding the keeping of chickens. Ms. Coyne noted if it is advertised for potential enactment, it can be enacted in no less than 7 but no more than 60 days from advertisement. The board could take action in August or September. It provides flexibility for more review by the board and the public. She will review it for correlation with case law.

Mr. Tyson asked if it will be realistic to enforce. Mr. Pietropaoli noted because it is a police and animal control issue, it was drafted to be simple as far as distance of setbacks instead of lot size because they are not zoning officers. It is very similar to what the township has for a dog kennel. If it is a sanitation or a health issue, they would have the

Health Officer accompany them to see if it is a problem that would have to go to the Health Board. Chief Green noted they wanted to keep it simple for the residents as well as the police for enforcement. Most of the events the police will check will be that it meets the basic requirements for setbacks. The ordinance addresses setbacks from the residence as well as the property line. It does not specify a zone in the township, but you have to meet the setback requirements. It addresses an adequate structure, nuisance of odors and numbers of chickens running at large, as well as food that will not attract predators or nuisance critters.

Ms. Coyne noted amendments can be made to it after advertisement, but if there is a substantial change, it has to be readvertised. Mr. Gelb questioned the cost of the annual fee. Ms. Coyne noted the fee schedule can be adopted on an annual basis, as long as language is inserted in the ordinance indicating that it can be adjusted, and then the township will not have to go through the expense of readvertising to change the fee.

MOTION to advertise the chicken ordinance was made by Mr. Tyson, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

## VI. NEW BUSINESS

Mr. Tyson acknowledged the new president of the Pennsylvania State Association of Township Commissioners, Mr. John Kuntzelman. He noted Mr. Kuntzelman is the only Commissioner from the East Pennsboro to become president of the State association.

Mr. Gelb thanked Northeast Fire Company for hosting and for the refreshments and food, and thanked those involved with carnival for all their hard work throughout the year, which makes the carnival a well-oiled machine.

Mr. Gelb noted regarding the Summerdale property, any updates or information on development or regarding the Enola Miller house, whether amendments or new requests, that the information be put on the township Web site, as well as e-mailed to the Commissioners.

MOTION to adjourn the meeting at 8:35 p.m. was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.