

EAST PENNSBORO TOWNSHIP
BOARD OF COMMISSIONERS
DECEMBER 5, 2018

Regular Meeting

7:00 P.M.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, December 5, 2018, at 7:00 p.m. at the Community and Municipal Center, 98 N. Enola Road, Enola, Pennsylvania.

Those present were: Commissioners – John Kuntzelman, President; George Tyson, Vice President; Kristy Magaro, Charley 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, Director of Housing and Community Development; Chief Mark Green, Police Department; and Erik Owen, Fire Marshal.

I. CALL TO ORDER

President Kuntzelman called the meeting to order at 7:30 p.m. A moment of silent meditation was observed, followed by the Pledge of Allegiance to the Flag.

II. APPROVAL OF REPORTS

MOTION approving the Building Permit Report for November 2018, was made by Mr. Tyson, with a correction on the total dollar amount as a million dollars, was seconded by Mr. Gelb as corrected, and was carried by a unanimous aye vote.

III. PRESENTATIONS

The Parks and Recreation Department directors presented awards to the Gingerbread House Decorating Contest grand prize winners for children Pre-K through fourth grades. Grand prize winners were announced by Mr. Gelb and presented with their awards: Pre-K, Rowan Estright; first grade, Calista Burchard; second grade, Bentley Pierce; third grade, Peyton Lambert; and fourth grade, Layla Comp.

IV. BUSINESS FROM THE FLOOR

Mr. Alfred Isopi, 536 Gale Road, addressed the board concerning street cleaning. During the summer, the street cleaner on his street was very scarce, at his house in particular. He requested the township develop a street sweeping schedule such as the first or third Tuesday of the month, because their trash day is Monday and it would not make sense to have it on a Monday when garbage cans are on the street. People would remember that it was the day after garbage day and would not park in the street. He suggested at least once a month.

He noted another unique situation is that part of his street is in Hampden Township, part in East Pennsboro, and perhaps employees do not know where the boundaries are because it is not a straight cut-off, three-quarters of one side of the street is East Pennsboro, the right side from there on up is Hampden, and on the left side it comes down a little bit farther. A schedule would be very helpful to keep the neighborhood clean.

Mr. Isopi further addressed the board regarding leaf collection. He understood there were problems this year with one of the vehicles. His neighborhood has a lot of oak trees and the trees started dropping their leaves about 2 weeks before the schedule was set. The leaf truck came today, it was not there before Thanksgiving, but today he noticed one section was not clean, perhaps a car was parked there or they thought that was Hampden and not East Pennsboro, but leaf collection is sporadic and not consistent on what day it comes. A simple solution is to schedule to make sure the leaves are out on the street and cars are not parked on the street.

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 directing the Solicitor to draft an ordinance amending the Township SALDO Ordinance to increase exemption for stormwater maintenance site plan requirements from 1,000 square feet or less to 5,000 square feet or less of new impervious area, was made by Mr. Tyson, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

Ms. Coyne stated as a follow-up, the board directed staff to come back with recommendations based on interaction with applicants when they reviewed the ordinance. The engineer reached out to DEP and the county and there is some ability to amend the ordinance to be compliant with DEP regulations and the county. Mr. Hockenberry noted he was able to go through 10 other Cumberland County municipalities and compile their ordinances, and most are very similar.

MOTION to approve the invoice from Coyne & Coyne P.C. dated November 26, 2018, in the amount of \$19,258.17 for professional services covering the period of March 3, 2018, to November 21, 2018, was made by Mr. Gelb, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

VI. NEW BUSINESS

Mr. Pietropaoli noted last meeting the Commissioners received two letters from Northeast Fire and Rescue, one requesting the township to take over maintenance on an old apparatus that was to go to the FRAC committee; the second requesting waiver of the demolition permit process for the two structures that they demolished back in July or August. He noted the township gives 50 percent of all permit fees for all fire companies, but they are requesting relief for 100 percent. Discussion is welcome on both items.

Mr. Pietropaoli further noted the Commissioners were emailed the proposed employee handbook last month. Staff is looking for comments before it is put on the agenda for approval. He also noted the board will be looking at the fee structure update in January.

Mr. Owen informed the board he emailed board vacancies and reappointments today. A few vacancies are still pending. He asked interested parties to submit an email of interest and he will send them the form for interest.

Ms. Coyne stated for the record the budget was advertised in accordance with the First Class Township Code for action at the December 20, 2018, meeting, as directed last meeting.

Mr. Gelb asked if information was sent to the residents who requested further documentation during Business From the Floor last week. Mr. Pietropaoli stated he put together a booklet of everything that happened from 2007 forward regarding the Summerdale property. He forwarded to Mr. Hertzler as well as the Township Solicitor the deeds and agreement that state the land will be put in the county's name. He has also responded to Commissioner Hertzler all the questions and requests he asked for.

Ms. Coyne stated she reviewed what Mr. DeMartyn provided, which were copies of two executed deeds which went to the CCIDA but not to the township. As far as directing something to be recorded, the township was not the owner. She has not had a chance to review everything that has been forwarded. To the extent where the deeds are, they are not recorded, but an unrecorded deed is still a transfer of ownership.

Ms. Gertson asked when the public might expect to hear something about the status of the deeds and documents that were presented last week. Ms. Coyne stated to the extent there will be any determination from this body, she will report to the board. Mr. Gelb asked about the unrecorded deeds. Mr. Pietropaoli noted they have their reason for not recording the deeds, however, CCIDA agrees with Solicitor Coyne that they are legal deeds. Depending on ownership, maintenance will change on the property. They feel
Board of Commissioners

December 5, 2018

Page 4

the existing deeds in escrow are completely legal and when settlement happens, it is tied to settlement, it will go into CCIDA's name and the next step will go from there.

Ms. Magaro asked if the house was safe or not. Her understanding is that whether it is moved or stays where it is, no matter what, it cannot be torn down. Mr. Pietropaoli noted that is what the last amendments to the agreement states. The last that is in place right now has the location being preserved.

Mr. George DeMartyn stated if they do record the deeds and the deed is in IDA's name, if it is recorded that way, the township has the first option if IDA wants to get rid of it. They cannot transfer or sell it to somebody else without the township giving up their option. Mr. Pietropaoli noted that is one of the main points they disagree with, in the agreement from the IDA to Bob Gill, signed by Wayne Melnick. That was after the August 4, 2010, meeting when the Commissioners made a motion to see the agreement at their September 1, 2010.

Mr. Gill suggested with the questions from the residents, perhaps the board should request Ken Tuckey, the chairman of CCIDA, and Andy Giorgione, the CCIDA Solicitor, to come to the next meeting and answer questions.

Mr. DeMartyn noted amendment 4 to the agreement with 200 First Street Associates says the house cannot be torn down. They can move it, but he noted there is no teeth in that, no way to make them do it, nor any timeframe by which they would have to do it. Mr. DeMartyn would like to see the house preserved and restored in his lifetime, but according to that amendment, it could be forever. The amendment is completely wide open and unenforceable. He suggested a new amendment be drawn up, a revision that would provide it be done by a date definite. If engineering costs are prohibitive, they would have to leave it at that location presently, so there is a way to keep it from actually being torn down.

Mr. Tyson stated he believes every member of the board is 100 percent behind the preservation of that house. The agreement that goes back to the 2010 timeframe references the purposeful reuse of the home. He noted tomorrow there will be a presentation from Wolfe Building and Movers regarding moving the house to another site on the current property, not move it out on the road, but from where it is, the location would be fully insured and making sure that the home is maintained. Mr. Tyson does not support anything that would have the house become in peril.

President Kuntzelman stated he liked the idea of having the CCIDA representatives attend an upcoming meeting to answer questions. Mr. Skip Magaro asked Mr. DeMartyn, since he was involved in the matter in 2007 to where it is today, if there was something that should have been done differently in order that this would not have Board of Commissioners

December 5, 2018

Page 5

happened. Mr. DeMartyn stated he does not think the township is in a predicament. He believes the township has all the weapons. It might be a legal issue but the township has the agreement and all the things it needs. He noted he left the board at the end of 2009, the agreement was not signed until 2010. Commissioners Jim Hertzler and Tom Fry were pushing it, Commissioners Charley Hall, Wayne Melnick and Scott Dardick were reluctant until a petition with 612 signatures was presented, but they wanted it in the CCIDA's name because they did not want the township to have financial responsibility. Mr. Hertzler and Mr. Fry wanted it in the township's name, but they were out-voted 3 to 2, so it ended up in CCIDA's name.

He noted deeds were drawn up and it looked like the house was saved, ownership transferred to the CCIDA, noting if they want to get rid of it, the township has the first option to take it. The township trusted them, but did not follow up to see if the deeds were recorded. Mr. DeMartyn noted he was gone by that point, but nobody followed up to see if they were recorded. The deeds were signed March 30, 2011, and by September of 2011 they came up with a sales agreement where some developer who wanted to develop the property had amendment 4 drawn up saying that he had to move the house. That amendment was drawn up after the agreement stating that the house was saved.

Mr. Skip Magaro asked how the deeds could go unrecorded. Mr. Gill stated one of the reasons it was not recorded is the township did not want to take ownership of it and have to maintain it, as there was somebody living there as a tenant, the township did not want to be responsible for the exterior and snow removal and the insurance.

Mr. Gill recapped that he and Mr. DeMartyn, Mr. Coyne, Mr. Giorgione, and Mr. Ken Tuckey were involved at the start of the process. The process started because it was excess property from the State. Bruce Barclay got the CCIDA involved. The township did not want to see the property developed into warehousing and felt if it did nothing, the State would have sold that property to the highest bidder and whatever the zoning was, that is what you would get. The township wanted to protect the residents of Summerdale as much as possible, and that is why it got involved. Mr. Gill noted if he would have known that 12 years later the township would still be paying the interest rate payments along with CCIDA, he would have sold it because the township is in a bind now and this board is saddled with having to make all the interest payments.

Mr. DeMartyn noted the Commissioners decided by a 3 to 2 vote that the county would take ownership to restore the house, to keep it and preserve it in a historic way, but the county decided that they did not want it anymore. They did not want the costs. The township has the first option to buy the house or take the house over. No money has ever changed hands, but the township would have first option to take the house.

Board of Commissioners

December 5, 2018

Page 6

Mr. Pietropaoli noted if they default and the CCIDA no longer wants that house, there is a price based on a factor plus percentages of who purchases the house. Mr. DeMartyn suggested that would be only if the CCIDA purchased the house for \$95,000, but no money ever changed hands. Mr. DeMartyn suggested if the township has to purchase the house for the value of the 2.5 acres, which is around \$95,000, he would be interested to sit down with the Historical Society and the township to see what could be worked out. The deal was the value of the property was purchased for. That is in writing, which was \$42,000 an acre.

(Whereupon, the meeting was recessed at 8:00 p.m. in order to hold a public hearing, and was reconvened at 8:28 p.m.)

President Kuntzelman thanked those in attendance at the hearing for their input.

Ms. Coyne submitted for the record Exhibit 1, the legal description developed by staff as the metes and bounds of the area recommended for the consideration of establishing the geographical boundaries of a LERTA ordinance, which was testified o during the public hearing this evening.

MOTION to approve Resolution No. 2018-20 affixing boundaries to the proposed LERTA district with the Longsdorf-Miller house being taken out, was made by Mr. Gelb.

Mr. Skip Magaro asked what the purpose was for removing the house from the LERTA designation. Mr. Gelb stated as a historical site based on the county for what it is intended to be rather than being located in an industrial zone. Mr. Skip Magaro noted if the house is moved, that acre of ground then will not be part of the LERTA, due to the metes and bounds. Mr. Tyson confirmed the board is voting on the metes and bounds of the LERTA area, not the historical significance of the house at its present site.

The motion failed due to lack of a second.

MOTION to approve Resolution no. 2018-20 affixing boundaries to the proposed LERTA district, was made by Mr. Skip Magaro, seconded by Mr. Tyson, and was carried by a majority of aye votes, with Mr. Gelb voting in the negative.

MOTION to advertise the LERTA ordinance with the designated geographical boundaries in Resolution no. 2018-20 for action at the December 20, 2018, meeting, was made by Ms. Magaro, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

MOTION to adjourn the meeting at 8:40 p.m., was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.