

EAST PENNSBORO TOWNSHIP  
BOARD OF COMMISSIONERS  
JULY 10, 2019

Regular Meeting

7:30 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, July 10, 2019, at 7:30 p.m. at Central Penn College ATEC Building, Summerdale, Pennsylvania.

Those present were: Commissioners - John Kuntzelman, President; George Tyson, Vice President; Kristy Magaro, and Charley Gelb telephonically; 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; Andy Kirkessner, WWTP Director; Mike Dobson, Facilities Manager; 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.

President Kuntzelman stated for the record Commissioner Skip Magaro is out of town, and Commissioner Gelb is attending the meeting telephonically.

II. ANNOUNCEMENTS

President Kuntzelman noted for the record before the Regular Session the board held two public hearings at 7:00 p.m., one regarding the Verizon cable franchise renewal, and the other one regarding a zoning ordinance amendment for agritourism.

III. APPROVAL OF REPORTS

MOTION approving the following itemized reports:

1. Police Report - May 2019
2. Building Permit Report - June 2019
3. Fire Report - July 2019

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

#### IV. APPROVAL OF MINUTES

MOTION approving the minutes for the Workshop/Business Meeting on June 5, 2019, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

#### V. ITEMS FOR DISCUSSION AND APPROVAL

MOTION to approve Resolution no. 2019-12 of the Township of East Pennsboro, Cumberland County, recognizing Detective Sgt. Michael Cotton for his 27 years of service with East Pennsboro Township Police Department, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

A plaque was presented to Detective Cotton by Commissioner Tyson.

MOTION to appoint Ryan Leen as a probationary police officer with East Pennsboro Township Police Department effective Thursday, July 11, 2019, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to appoint Bradley McAlester as a probationary police officer with East Pennsboro Township Police Department effective Friday July 12, 2019, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

The two new police officers were sworn in by Magisterial District Judge Sanderson.

#### VI. BUSINESS FROM THE FLOOR

Ms. Jane Farringer, 317 First Street, Summerdale, asked what will happen with the Summerdale Post Office when the new Summerdale firehouse is built. Mr. Brougner stated

they are trying to work through different options. The fire company receives \$1,000 a month in rent from the Post Office. The building committee is meeting tomorrow night, and they are going to investigate whether they can put in a temporary structure until the new station is built, hopefully next year. They are a year and a half into the 5-year lease with the Post Office.

Mr. Pietropaoli noted the board has no say where Post Offices stay or move. If the Postal Service wants to keep the Post Office in Summerdale active, they will look for another location temporarily. Mr. Pietropaoli asked Mr. Brougner to keep the board updated for the residents as they move along with this process.

Ms. Farringer further noted there should be playground or speed limit signs installed by the playground in Summerdale. She noted cars travel too fast coming down Miller Street. Chairman Kuntzelman asked the Police Department to look into the situation.

Mr. Mark Deveney addressed traffic on Valley Road. With the new apartment complex in Hampden, along with Weis and Giant, traffic has increased significantly on Valley Road. He noted the crown of the road is already dissipating and asked if there was a way East Pennsboro can go through the State to put a weight limit on the road to keep some of traffic off of the road. He noted there was an accident in front of his house a week and a half ago where a car flipped. He also asked if deer crossing signs could be installed.

Mr. Pietropaoli noted the Game Commission wants to do a study first to determine if the signs are warranted or not, and they will let the township know if the township can put them up. Chairman Kuntzelman asked staff to look into whether weight limits can be put on the road.

Mr. Dale Crossland, 627 Mountain Road, asked who was on the Board of Commissioners when the township purchased the Summerdale property with the Enola Miller house, which he believes has cost the taxpayers an astronomical amount

of money. Mr. Pietropaoli stated if it was 2008, it would have been Tom Fry, Dolores McAlister, John Kuntzelman, George DeMartyn, and Jim Hertzler.

Ms. Barb Gertzen, 835 Magaro Road, passed out flyers and asked the record to reflect that 48 hours ago she received an email that misstated the goals in support of the Enola Miller house. She presented a petition that was first circulated at a June 23 event at the Enola Miller house where they celebrated the addition of the house to the Cumberland County Register of Historic Places. She stated the intent of the petition was not to take back land from the developer; instead, the petition gives interested people the opportunity to make it known that they are in favor of preserving the Enola Miller house in its original location. The flyer and sign clearly indicate they are attempting to support both the development of the Summerdale property and the preservation of a historic structure located on the parcel. They are seeking mutual cooperation and compromise.

Ms. Gertzen stated she wrote a letter outlining their principles to Metropolitan on April 25 where she stressed the goal of mutual benefit and welcomed the opportunity to have them tour the Enola Miller house to answer any questions and convey a sense of importance of maintaining the Enola Miller house on its original site so it may continue serving a recognizable living part of area history and possibly as a county visitor center and site of the East Pennsboro Historical Society, that they welcome Metropolitan as a neighbor and welcome a complimentary outcome of the Summerdale property. Metropolitan never responded. She also called them and they did not respond.

Ms. Gertzen noted at the last meeting they asked Commissioner Tyson if he would reach out to Metropolitan to join them at the event and he informed them Metropolitan had only signed a letter of intention and the township was not certain of their level of interest or involvement. She noted now with a preliminary conceptual site plan to be presented, it seems that Metropolitan was very much involved in this project and the township had their

preliminary plan sometime in June. She stated she was very surprised at the June 13 Planning Commission meeting where they presented a slide show.

Ms. Gertzen stated at the June 23 event at the Enola Miller house, in his remarks, Mr. George DeMartyn made it abundantly clear that the Historical Society of East Pennsboro is not opposed to the development of the Summerdale property and seeks ways to work collaboratively with them to the benefit of each party. What they are looking for is a way to allow all parties a win and continue to seek to work collaboratively and cooperatively with the township, the county, and Metropolitan, since this is a request that has been made multiple times in the last several months. The historical society and Enola Miller house supporters only desire to save the structure in its original location and not burden Metropolitan with significant costs and risk of moving a building before they begin their projects.

Ms. Gertzen noted the aforementioned email seems to make clear that fiscal concerns are uppermost in the minds of East Pennsboro Township Commissioners, and she noted as a long-time resident and taxpayer, fiscal concerns are never far from her mind either. In order to understand the Limited Economic Revitalization Tax Assistance designation related to the Summerdale property, she questioned whether LERTAs are generally associated with revitalizing blighted properties, and it is hard to see how the Summerdale property classifies as a blighted property. She applauded the Commissioners' concerns for tax implications in her email response, which referred to the Township's failing roads and infrastructure which taxpayers will soon be facing the burden of funding. In light of this, she is confused as to how granting a 10-year LERTA that excises the Summerdale property developer from contributing to East Pennsboro's tax base that will be expected to provide funding for potential additional road utility load can be seen as prudent fiscal planning. She stated she sees it as an additional tax burden for township residents.

Ms. Gertzen read into the record the petition to preserve the Miller-Longsdorf property and home, a recognized historic site and home of the Enola namesake. "A petition of the East Pennsboro Historical Society addressed to the East Pennsboro Township Commissioners. We, the undersigned, would like to bring your attention to the following problem with recommendations. The intended development design of the basically 47 acres adjacent to the historic site and structure is a threat to said property. We request the Commissioners take all actions necessary to preserve the original structure in the original current location." Copies of the petition with 251 signatures were presented to the board.

Ms. Gertzen noted said copies were circulated for signing at a reading of the Declaration of Independence on July 4 at the Harris Cameron House on Front Street, home of the Dauphin County Historical Society; Historic Harrisburg Association put it on their web page; they started a Save the Enola House Facebook page, which has had 114 page views since then; and the Tri-County Historical Association. She encouraged the board to bring this project to a final and beneficial conclusion.

Mr. Tyson explained there was a 2-hour meeting yesterday with 10 or 11 representatives from township staff, Commissioner Kuntzelman and Commissioner Tyson, members of the Cumberland County IDA, as well as the historical society. Additionally, former Commissioner Hartman and former Township Manager Gill were with the IDA at their regular monthly meeting today and they addressed some of the issues. A meeting has already been planned with Metropolitan. The intention of the meeting yesterday was to get everybody in the same room talking about the topic and on the same page. Many of the items brought out by Ms. Gertzen were discussed yesterday with a very favorable outcome from all parties concerned, and they will continue working forward. Ms. Gertzen stated she is very guardedly encouraged.

Mr. Pietropaoli noted the slide show at the Planning Commission was only a use map. It is not the preliminary plan or land development plan. They were provided with a conceptual plan of uses, without any traffic or grading.

MOTION to accept the petition from the East Pennsboro Historical Society was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Mr. Gelb noted he wanted to make sure everything that is being discussed, whether yesterday, the day before, or in the future, that everything is being put on the table at those meetings to show what would and could happen if the house stays, is there an underground retention that could work, does everyone attending the meetings understand what the ramifications could be if the house is moved. Mr. Tyson stated the drawing will be discussed tomorrow. Ms. Gertzen noted on the conceptual plan the house is moved and replaced by a drainage pond. Mr. Tyson stated that was one of the reasons why they requested to have a direct discussion with the developer, and there are now three dates that have been offered to everyone who was at the meeting to respond as to which date works best for them, and that has all happened since 2:00 p.m. today.

Ms. Gertzen asked if they were going to address whether the LERTA was prudent and wise. Mr. Tyson stated one of the reasons for the LERTA designation is because a year ago they were year 10 or 11 into the project with numerous stalled or stopped developers. It was the intent of giving a way to get the property developed before payments on the loan start. A year ago at this time the township was looking at a bank loan that needed to be extended by last October. The current provisions of the loan were coming to term and they needed to negotiate an extension of the loan. Part of the extension of the loan was getting the bank on board with the township exercising all efforts to obtain a LERTA for the project. He noted that property has never been on the tax rolls because it was a State-owned property. The only thing taxed is the 2-plus acres that the house resides on. Once the sale occurs, if and when it occurs, the property will be taxed,

so there will start to be taxed revenue generated off of the property. The LERTA is a 10-year program escalated by 10 percent year after year on the improvements.

What he has seen preliminarily, part of their presentation will go to that. He looked at it from the interest of the school knowing that there are potentially additional students who will end up in the school and the projections on the number of students. If the numbers of projected students happen in year one, there will be a negative year one to the school. Every year after year one they will be on the positive side through year 10. By year nine, they will be paying 90 percent. Year 10 it is 100 percent. LERTA is merely a stimulus to get an accelerant on the development of the project.

Mr. Tyson noted when the bank loan was renegotiated, the township is now on the hook 100 percent for the property, and the township has been paying 100 percent of the interest on the property. He stated he was surprised at how much money has been spent on the project from the beginning, close to a million dollars. The goal of the township and county at this point is to get the property developed as a win for everybody. At this point to break even is where the township and county is going to end up. While that is not what anybody anticipated or projected, the economic downturn was not anticipated, and several of the people who advocated for the purchase of the property a decade ago have said if they were to do it again, they would not have done it. But the township is making every attempt to make sure that at the end there is a development everybody can be proud of and that the Enola house is preserved and that the township can get out of the economic burden that it is under with the whole project.

Mr. Tyson suggested this is a textbook example that government at the local level does not belong in the land development business, as there are too many moving parts. Instead, local government is here to deliver services to residents.

Ms. Magaro noted if this project fails, the township has to pay the loan, which is not fair to the current board, it should have been done in the beginning. She is interested in preserving the house, but if the house has to be moved, because it is prime land for a commercial developer, if it has to be moved and they are going to pay for it to be moved next to the park at the corner of Miller Street, she believes that would be beneficial. She noted she drives by that house every day and people going 50 around the corner are not looking at the house. If it is next to the park and deeded to the historical society, they can do events in conjunction with the park. So if it has to move, everybody has to work together at this point.

Mr. Gelb questioned whether it has to move, and whether the developer knows there can be a retention pond underground.

V. ITEMS FOR DISCUSSION AND APPROVAL (Cont'd)

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 a handicapped parking space in front of 1320 Fourth Street, West Fairview, as recommended by the Police Department, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to approve Ordinance no. 808-2019 authorizing the Intergovernmental Cooperation Agreement with Hampden Township for purposes of providing mutual fire and rescue services, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a roll-call vote of 4 to 0.

MOTION to approve Ordinance no. 809-2019 amending Chapter 27, Zoning, to provide for agritourism as a permitted use in the Agricultural (A-1) Zoning District, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a roll-call vote of 4 to 0.

Ms. Coyne noted the following three requests concerning release of cash escrow and irrevocable letters of credit are recommended Mr. Hockenberry.

MOTION to authorize the release of the entire cash escrow in an amount of \$2,580.00 for 336 Fulton Street, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to authorize the release of the entire Irrevocable Letter of Credit No. 767 by Mid Penn Bank in the amount of \$5,000.00 for 93 Pepper Avenue, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to authorize the release of the entire Irrevocable Letter of Credit no. 734 by Mid Penn Bank in the amount of \$30,500.00 for the subdivision/land development plan for Mike Murphy Rentals, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

The board reviewed the land development plan for East Pennsboro Elementary School with Mr. Tim DeWire, from K&W Engineers, civil and site engineering consultants to East Pennsboro Area School District for the building renovations and expansion of East Pennsboro Elementary School land development project. Ms. Betsy Holley from East Pennsboro Area School District, and Daniel Hoffer from Slader Group, the architectural firm that is heading the design for the expansion of the school, assisted Mr. DeWire.

He stated the purpose for the proposed addition, the district is looking at a reallocation of students from the middle school for fifth grade students. In order to accommodate students of a fifth grade level, they need a proposed addition to include additional classroom space, supporting classrooms, office space, and a gymnasium for the building to help offset the stresses put on the multipurpose room in the existing building. The plan is a 17,600 square foot footprint size addition on the back of the existing school. The majority of the area being

disturbed and impacted by the proposed addition is already impervious cover with the play area in the back. There is only about a .2-percent increase in impervious area that will be imposed by this addition. To the north of the proposed addition is a fenced off area where they will install a rain garden area that will be used to accept, treat, and control stormwater runoff from the roof area of the proposed addition.

As far as zoning, he noted there are two ways to consider required parking. One is based on classrooms, the other would be based on the number of seats for areas of public assembly. There is no permanent seating being proposed or existing in the current multipurpose room, cafeteria, auditorium/gymnasium. In order to come up with a projected seating capacity, they spoke with the district and the principal at the school and he informed them that for the most highly attended assemblies, they would probably put out 700 seats for parents and relatives, so they based calculations on the 700 seat estimate. The required amount of parking for the site is 117. There are approximately 95 to 102 existing parking spaces onsite, so they are showing striped parking on the back side of the building to accommodate the additional parking needed. They will have that signed as event parking only because they do not want people using that for parking during the school day with the kids using the playground in the back. It is an already paved area that would get to the required number of 117 spaces onsite.

They are requesting three waivers, which he reviewed with the board. Mr. Hockenberry stated he has no opposition to the waiver requests. There are some staff comments they are going to work out, and they will work with the township to finalize the technical comments still outstanding.

Mr. DeWire noted no NPDES permit is required because it is less than an acre of disturbance. Mr. Mark Deveney, 912 Valley Street, noted with the stormwater runoff, they are already looking at a small stream at the bottom of the hill on the east side, and he questioned whether any of the

projected runoff would be going into the stream. Mr. DeWire noted the basin will discharge into the existing drainage pipe now. The infiltration study notes it will be a net volume decrease. Mr. Deveney explained this is one of the problems residents on Valley Road have with the small streams coming down through and that goes right past that in the water flow, and if the school will be dumping more water into that stream from this project, the study should be considered with the current volume of water coming down through there.

Mr. DeWire noted based on the requirements of the subdivision ordinance, they are not allowed to increase the amount of volume from the previous condition. So they had to do an analysis of the existing stormwater and based on what is being proposed with the additional building renovations and attachment, they have to mitigate or preserve or reduce volumes of rates to below the predevelopment condition, which they have taken into consideration and addressed.

MOTION to approve waivers for the Preliminary/Final Land Development Plan for East Pennsboro Elementary School as follows:

1. Section 22-306 pertaining to submission of a Preliminary Land Development Plan
2. Section 22-713.1B pertaining to existing cover conditions for modeling purposes
3. Section 22-715.6A pertaining to providing one foot (1') of freeboard above the maximum pool elevation for the 100-year design storm assuming outlet structure 100 percent clogged

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 Preliminary/Final Land Development Plan for East Pennsboro Elementary School conditioned upon satisfactorily addressing staff comments,

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was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a majority of aye votes, with Mr. Gelb voting in the negative.

MOTION to reaffirm Resolution no. 2019-11 of the Township of East Pennsboro, Cumberland County, authorizing the extension agreement of the multimodal transportation grant with the Pennsylvania Department of Transportation (PennDOT) in regards to future maintenance of roads dedicated to the township for public use within the area of the Summerdale project, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve the promotion of Teresa Magaro from Assistant Director to Acting Director of the Mary Schaner Adult Center, was made by Mr. Tyson, seconded by Mr. Kuntzelman, and was carried by a majority of aye votes, with Ms. Magaro abstaining.

Mr. Pietropaoli noted as is typically done with promotions, the board will allow six months as acting and then make a decision as to a permanent spot. This gives the board a chance to see how they handle the new position.

MOTION to appoint Jason Foster and Dearan Quigley as co-Building Code officials for East Pennsboro Township, proper Labor and Industry paperwork will be updated, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

Mr. Gelb thanked Mr. Owen and Mr. Pietropaoli for setting up the media capabilities for him to participate telephonically. Chairman Kuntzelman thanked Mr. Gelb for taking the time to attend telephonically.

MOTION to adjourn the meeting at 8:55 p.m., was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.