

EAST PENNSBORO TOWNSHIP  
BOARD OF COMMISSIONERS  
AUGUST 7, 2019

Regular Meeting

7:00 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, August 7, 2019, at 7:30 p.m. at West Enola Fire Company, Enola, Pennsylvania.

Those present were: Commissioners – John Kuntzelman, President; George Tyson, Vice President; Kristy Magaro, Charley Gelb and Raymond “Skip” Magaro; 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 Kuntzleman called the meeting to order at 7:00 p.m. A moment of silence was observed, followed by the Pledge of Allegiance to the Flag.

II. APPROVAL OF REPORTS

MOTION approving the following itemized reports:

1. Police Report – June 2019
2. Building Report – July 2019
3. Fire Report – August 2019

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

III. APPROVAL OF MINUTES

MOTION approving the minutes of the Workshop/Business Meeting for July 10, 2019, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

IV. BUSINESS FROM THE FLOOR

Mr. Rick Caldwell, 6 Wexford Drive, an 18-year resident of Enola, asked if there was a master plan of the roads that residents can look at. He complained that driving some roads that are tarred and chipped harm his car.

Mr. Gelb stated he gets emails and calls regarding the same issue. His understanding was the township did this type of work many, many years ago but stopped at some point. He also noted the first day there was a mix-up of signage. Mr. Nate Simpson, from CS Davidson, consultant who drafted the plan, said there are plenty of municipalities and PennDOT that utilize this process, which is less than half the cost of pavement and much more cost effective. The

pavement plan calls for preservation treatment along with some reclamation and reconstruction work. They were given a limited budget and are trying to work stretch the budget. They have taken care of over 2 miles of roadway this year. With the limited budget they are trying to touch as many miles of road to preserve them in the most cost-effective way. The first step of the tar and chip was with fiber in it, equivalent to an overlay, which would cost \$11 or \$12 a square yard, and tar and chip costs roughly \$6 per square yard. He understands there were concerns with the tar and chip during construction, but there will always be problems during construction.

Mr. Robert Gill stated when he became Township Manager in 1983, he stopped the tar and chip process. Mr. Simpson said if the township does not want to use it, they will stop it. Mr. Skip Magaro asked what will happen in 100 or 90 degree days. In the past on those hot days, the roadway would bubble. He also asked what will happen in the winter when running steel snow plow blades over it. Mr. Simpson said he has not seen any of those problems.

Mr. Simpson also noted one other benefit is they are not paying prevailing wage for the contractor because it is maintenance, which saves another 20 to 25 percent of cost. However, if the township does not like the treatment, they will not do it in the future. But it is used quite a lot in the industry.

Mr. Gene Assante, 817 Aciri Road, asked if there was any recourse people can take if they can prove their vehicles are damaged in any way from driving over the tar and chip when it was fresh. Mr. Simpson said in the past he has had people put a claim through the contractor's insurance.

Mr. Assante also inquired as to how successful the Hometown Hero banners have been. Mr. Kuntzelman said very successful, and not even half of them are up yet. As of the last count they were at 149.

Mr. Dale Crossland, 637 Mountain Road, addressed the board concerning the THANKS program for volunteers, which Chief Owen started. Last March his wife was taken to the hospital by ambulance. He followed the chain of command in applying the THANKS benefits to the ambulance bill. Chief Matter let Fire Marshal Owen know, and they forwarded information to West Shore EMS, but the bill still went to collections. He ended up handling it on his own. Mr. Beck said he never received communications from Chief Matter or anyone else. Mr. Crossland dealt with West Shore EMS on his own and worked through the bill. Mr. Crossland suggested there needs to be some kind of accountability for the volunteers with the THANKS program. With what the township provides the ambulance association, it is not much to ask them to have a list of who in the township is covered in the THANKS program. Both Chief Matter and Fire Marshal Owen stated they contacted the ambulance company. Mr. John Owen concurred there should be some accountability for the volunteers. The suggestion to provide a certified list of THANKS program participants should be sent to the ambulance company every year.

Mr. Crossland also stated as a 55-year resident of the township, he implored the board to make the right decision for the whole township regarding the Summerdale property, not just a few people, but all the taxpayers. He does not believe the Commissioners who voted for the plan had the best interests of all the residents when they approved the plan 10 years ago.

Eagle Scouts Ethan Strite, a life scout with Troop 180, working on his communications merit badge, and Aaron Strite, a first class scout with Troop 180 working on his citizenship badge, were introduced. President Kuntzelman thanked them for their attendance.

Mr. Jeremy Wilson, 1122 Kent Drive, addressed the board seeking support for the four-way stop sign on Kent Drive and Falkstone Drive. It is a bus stop and he is very concerned with northbound drivers, noting he lives at the first driveway after that intersection and numerous times he has almost been rear ended. He asked for support of the four-way stop sign.

Mr. Russell Chandler, 1118 Kent Drive, said the bus stops there six times a day. He noted usually people who live in the neighborhood speed, but when the lighted speed signs are put around, people become more aware. One block away is a four-way stop and that intersection does not see as much traffic. He noted if it is a cost issue, the neighbors will help pay.

Ms. Rayna Wilson, 1122 Kent Drive, spoke in favor of a four-way stop sign at Kent Drive and Falkstone Drive. There are 12 students at the middle school bus, 4 for high school, and 5 or 6 for elementary school. In one four-way block there are a lot of children who live and play there. She lives at the first driveway after the blind hill and has had an accident because people come over so quickly. She noted there have been near misses with kids running out in the street. Mr. Mark Fisher asked about the sight distance approach to a stop sign, if there would be notice there was a stop sign ahead. Ms. Wilson said it would be at the top and you would see the stop sign from either way coming and know you need to slow down.

#### V. EXECUTIVE SESSION

Ms. Coyne noted the board held executive session from 7:20 p.m. to 7:35 p.m. this evening for a matter of potential litigation.

#### 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 direct the Township Solicitor to draft and advertise an ordinance creating a four-way stop at Kent Dr. and Faulkstone Dr. was made by Mr. Gelb. There was no second to the motion, and the motion failed.

Ms. Coyne stated the additional investigation has not been completed regarding the proposed four-way stop sign and she suggested the matter be tabled so Engineer Hockenberry can investigate the situation as far as vertical curve and sight distance issue. She suggested a motion to table the matter until further investigation is complete

MOTION to table a four-way stop sign at Kent Drive and Falkstone Drive pending further investigation was made by Mr. Skip Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

The board then reviewed the Zoning Master/TND Plan from 200 First Street Associates for compliance with the new CPL Zoning District requirements.

Metropolitan Development Group and C2C Design consultants presented plan. Mr. Jon Rathfon, from Metropolitan Development Group, explained they own and operate apartment units throughout central Pennsylvania. They are owner/operators, taking the land through improvements and will manage them when built. He presented results of an impact study and reviewed similar units proposed for this site as in other developments they manage. Mr. Chuck Frantz with C2C Consultants reviewed proposed uses and proposed improvements for the site. TND exhibits and report were provided to the board for the 49.8 acres in land zoned CDL, and he noted the dashed line separates area 1 and area 2. Area 1 contains 10 acres, area 2 contains 50 acres. The green section on the map of 22 acres will be the residential portion containing multi-family apartments. 14.8 acres are dedicated to residential, about 30 percent of the site, well within the requirements of the Zoning Ordinance, which states no more than 40 percent. There will be 13 buildings, 20 units to a building, resulting in 260 units, with a density of 17.6 units per acre. The maximum allowed density by ordinance is 22, so well within the allowable density. Overall impervious to the site is 42 to 43 percent of the site, also well within the requirements. There will be a mix of one- and two-bedroom units, with 156 two-bedroom and 104 one-bedroom.

The buildings are 2.5 stories, less than the maximum height in the ordinance. Amenities include a pool and club house, and landscaping. They will screen the project as best as they can. They would meet lighting requirements of the ordinance and will not create light pollution. The apartments are all rental units.

Mr. Frantz pointed out the sand color portion on the map of approximately 2.5 acres will incorporate uses of a quick-serve restaurant and a bank. Those are potential uses, with no hard commitments.

The light area on the plan is a convenience area, with no hard commitments for that lot, but they imagine a convenience store with fuel pumps. The purple and blue sections go together, where the blue would contain a 100-bed hotel, the purple another restaurant close to the hotel. The yellow area is office buildings to the north of the property.

There is an existing PennDOT maintenance shed on the site now. They would continue to provide access to the shed but change access points. The west side of the project is CAIU. Mr. Frantz discussed the creation of an emergency access for them. CAIU only has one point of access currently. Emergency access would enhance their operations. The IU has a pump station gravity sewer. As part of design improvements they can add routing sewer to eliminate the pump station.

In coordination with CAIU is the relocation of the Enola Miller house. 1 acre of land will be carved out near Miller & First Streets of the CAIU and the house will be moved there. Mr. Gene Assante asked about the costs of moving the house, and who will pay the costs. Mr. Frantz could not answer at this time.

Benefits with the new location of the Enola Miller house will include better visibility, utilities are easy to hook up, and a park is located across the street, creating a nice synergy. They suggested a pedestrian path from the park to the historical house, creating better pedestrian access than where it currently is. He reviewed walking paths and bike paths, with a connection at Valley Street and a connection at Wayne Avenue.

The large development site will contain 7 acres of active passive recreation. In total, 16 acres of open space, which is a third of the site, is devoted to open space. There will be four points of access to the site. PennDOT has control over traffic to the site. To eliminate cut-through traffic from the neighboring community, having an efficient plan from PennDOT will help alleviate that concern. The best source to eliminate that is to be as efficient as possible. Mr. Frantz noted there will also be landscape buffers for residents of First Street.

Phase 1 will include relocating the Enola Miller house, the building of the apartments, convenience store, hotel and restaurant. Phase 2 will include the restaurant and bank section. Phase 3 will be pedestrian access - walking and bike paths.

Mr. David C. Babbitt, AICP Fiscal Analyst, reviewed the executive summary of a cost analysis to the proposed school district and township. Impact analysis determines assessments of \$35.5 million of assessed value, which is 1.8 percent of the township's total assessed value, which translates to \$2 million in taxes. He noted a study by Rutgers University which states one-bedroom apartments do not result in many public school students. This plan assumes 18 public school students living in the units. The township will spend \$185,000 per year to provide services. Real estate tax is 1.64 mills. Income tax based on average household income of \$53,000 for one-bedroom, \$65,000 for two-bedroom units, is \$102,000. Some of the roads will be public and will provide liquid fuels funds. Liquid fuels and township fees will total \$67,000. Revenue to the township for cable is \$277,000. Net revenue to the township will be \$77,000, the surplus every year after build-out. He also reviewed the school district expenses and income from the units. The study does not include sewer tap-in fees and recreation impact fees as income to the township.

Mr. Don Baldwin, 49 Wetherburn Road, questioned only 18 students. Mr. Babbitt said it will be more like 21 students, including charter and private school students.

Mr. Mark Fissel, of Belle Vista Drive, inquired as to whether the 10 percent tax for LERTA is assessed at the first year of construction or at the completion of the whole project. Mr. Babbitt noted each element of the development will probably be on its own 10-year schedule. He cannot answer legal questions with any degree of certainty. Mr. Tyson noted The LERTA affects the school district more than the township.

Mr. Robert Gill noted the school district would benefit from the project 70 percent, the township 20 percent, and the county 10 percent.

Ms Barb Gertzen asked for the timeline for relocation of the Enola Miller house. Mr. Frantz provided the overall picture, the balancing of the dirt on site and improvements have to happen first. The path for the Enola Miller house would be kept on site going through what will be the center of the apartments. It would happen a few months into the clearing to make a path through the site, so earlier in the project. They answered various questions about the plan from residents.

Ms. Coyne stated the LERTA ordinance itself has a 15-year sunset date from the date of enactment. It was enacted December 2018, so it sunsets or terminates, unless extended by the Board of Commissioners, 15 years from that date.

MOTION to approve the Zoning Master/TND Plan from 200 First Street Associates for compliance with the new CPL Zoning District requirements was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to approve waivers for the Preliminary/Final Land Development Plan for West Creek Hills Elementary School as follows:

1. §22-306 pertaining to submission of a Preliminary Land Development plan
2. §22-802 pertaining to the applicability and submission of a traffic impact study.
3. §22-713.1B pertaining to existing cover conditions for modeling purposes.

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

MOTION to approve the Preliminary/Final Land Development Plan for West Creek Hills Elementary School for a Proposed Building Addition conditioned upon satisfactorily addressing staff comments, was made by Mr. Tyson, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to approve the bonfire permit and requested fee waiver for EPASD for a bonfire to be held on August 22, 2019, 7:00 p.m. to 10:00 p.m., was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to authorize the reduction in the amount of financial security for First Watch Cafe from S&T Bank Irrevocable Standby Letter of Credit No. SB-004247, from \$53,037.93 to \$7,721.33, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve the high bid of \$3,800.00 received for the 1990 Spartan/ Darley Fire Pumper from Gerald Griffith on July 26, 2019 through the Municibid Online Government Auctions, was made by Mr. Skip Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

Mr. Erik Owen noted the auction was conducted from July 10, 2019 at 9:00 am until July 26, 2019 at 9:00 am.

MOTION to approve a donation for the East Penn Little League State Champs in the amount of \$500.00 for travel expenses was made by Mr. Tyson, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

Mr. Dearan Quigley and Mr. John Owen discussed the college overlay project, which will require a public hearing.

MOTION directing the Township Solicitor to advertise a public hearing on September 18, 2019, at 7:30 p.m. for the college overlay district and possible enactment following the public meeting, was made by Mr. Skip Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

## VII. NEW BUSINESS

Mr. Tyson stated the East Penn Little League team has made the township and community proud becoming state champs and they deserve to be commended. Their focus, determination and sportsmanship are to be admired. Mr. Kuntzelman stated the township is going to have a sign at Adams-Ricci Park congratulating the team, and the team will be at one of the September meetings to be presented with a plaque for their outstanding achievement.

Mr. Tyson also commented that the National Night Out was another tremendous success.

Mr. Gelb thanked township staff for all they provided at the emergency services carnival.

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MOTION to adjourn the meeting at 9:00 p.m. was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.