

EAST PENNSBORO TOWNSHIP
BOARD OF COMMISSIONERS
FEBRUARY 19, 2020

Regular Meeting

7:30 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, February 19, 2020, at 7:30 p.m. at the Community and Municipal Center, 98 S. Enola Drive, Enola, Pennsylvania.

Those present were: Commissioners - George Tyson, President; Raymond "Skip" Magaro, Vice President; Kristy Magaro, Charles Gelb and Walter "Joe" Fidler; John Pietropaoli, Township Manager; Lisa Coyne, Township Solicitor; John B. Owen, Assistant Township Manager; Dearan Quigley, Housing & Community Development; Chief Mark Green, Police Department; Rick Brubaker, Road Master; Mike Dobson, Facilities Manager; and Erik Owen, Fire Marshal.

I. CALL TO ORDER

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

II. BUSINESS FROM THE FLOOR

Mr. George DeMartyn, representing the Historical Society of East Pennsboro, asked the board about the plans for the Summerdale tract as well as the subdivision from the Capital Area Intermediate Unit where the house is going to be placed and whether there was a time line, since the plans submitted to this board will be at the Planning Commission on March 12, if everything goes okay, will they go to the Board of Commissioners on March 18. Mr. Quigley stated if there are no corrections, they would try to have that to the board by March 18. They were delivered on February 11 and staff has not had an opportunity to do their review. Mr. DeMartyn inquired if it is recommended to the Commissioners on March 18 and it is approved, is there any idea as to when there might be a construction for the 1-acre property at Miller and First Streets. Mr. Quigley stated they would still have

to do the subdivision for that land and follow on with a building permit. He believes at best sometime in April or May for an application for a building permit. Late spring, early summer is when they would be looking to begin with actual construction, hopefully at the end of the summer. Mr. DeMartyn stated they are trying to find out when we they can expect the house to move. Mr. Quigley stated he would anticipate early summer, if everything goes according to plan.

President Tyson noted the move and advertising for the move will be an undertaking. Mr. DeMartyn asked if the township could keep the Historical Society updated. Mr. Quigley stated he will as soon as things firm up.

Mr. David Bennett, 859 Acri Road, addressed the board regarding the township green areas and complimented the grounds crew that took care of the mowing last summer of the green areas in Laurel Hills. He provided photos of dog waste in the green areas of Laurel Hills and noted people are not cleaning up after their dogs. With everyone in the township getting a letter regarding the \$22 per quarter fee for the Chesapeake Bay clean water, he noted dog dirt happens to be a major contributor to that and this green area is located near the creek where it will flow into the creek. Further, they now have 11 new families with children who have moved in and the kids play in that area. He asked whether enforcement falls under the Police Department or the Dog Warden code.

Mr. Quigley stated the health ordinance covers that, and Codes Enforcement and Housing and Community Development, along with the police, would enforce that ordinance. Mr. Bennett recommended Codes Enforcement take a look. He further noted the green area behind the township building is full of dog dirt as well. He suggested the township put up poop bag dispensers with a container and maybe people will take care of their dogs, as well as posting an announcement on the township Web site, on social media, and in the newsletter. Mr. Bennett suggested Code Enforcement patrol in the early mornings and evening when people are walking their dogs.

Finally, Mr. Bennett noted he has had to call on several different occasions to report street lights that are out and asked why the Police Department does not note which lights are out when they patrol the streets. President Tyson stated it is unfortunate that Mr. Bennett had to bring these problems up and it is incredibly unfortunate that people are not taking care of the common areas. Many people do not realize that East Pennsboro is one of the only townships that allow dogs on public property.

Mr. Bennett also asked who is responsible to make sure every canine in the township has a dog license and rabies vaccination. He was in California and the animal control officers were out at all hours of the day and night checking licenses and ticketing people. Mr. Skip Magaro stated he dealt with these issues as Parks and Recreation supervisor. He noted there were a lot of out-of-town visitors at the parks who did not clean up after their dogs. He suggested the parks be posted and then people can be fined.

Mrs. Bennett addressed the board regarding the township regulation to maintain control of any animal on a person's property. She noted there is still the same cat prowling around Laurel Hills since 2009 that she has called the Animal Control Officer about. She stated there is a feral cat issue in Laurel Hills and suggested the Animal Control Officer needs to do something about this cat because most of the cats that are wandering around are a product of this cat that is running loose. Chief Green stated he will reach out to Mrs. Bennett regarding the feral cat.

Mr. Will Brougher, Northeast Fire and Rescue, thanked the board for the additional fire tax money that went towards the loan that they had for their station. Their balance is down to about \$6,000, and they should have that paid off for the initial part of the station project at Summerdale. He also thanked the Township Manager and Road Master Rick Brubaker for working with them at the Citizens Station 5 project. He also thanked township

staff including Dearan Quigley, Erik Owen, Bill Baker, Amy Graybill, and Terry Watts. They had a meeting last Thursday night for the building committee, and the final layout is all but complete. The next meeting is March 12 at 6:30. They had a meeting with Conestoga and K&W last Thursday morning for their land development. Mr. Brougher also reminded the board that the company banquet is March 14.

Mr. Dale Crossland, 627 Mountain Road, thanked the board for its support for the Fire Department and the Police Department. He also thanked Rick Brubaker and Mike Dobson for all the years they put in with the township, because the township will miss their dedication and their wealth of knowledge.

Mr. Crossland noted two weeks ago politics played out in the filling of appointments, and as a taxpayer he is disappointed in that type of politics for an appointment where people dedicate their time and it is difficult to find people to fill those spots. Mr. Gelb stated he is sorry that it was perceived as political. A couple years ago Mr. Assante was on the Planning Commission and then resigned. Mr. Assante stated he left the Planning Commission to go into intensive chemotherapy and did not feel he could give them the best he had to offer. Mr. Gelb noted he was very sorry to hear of the illness but noted Mr. Assante said at the time he was not fit to serve on another board and now that has changed and he wants to be on another board. Mr. Assante stated he was asked to be an alternate and was told that the alternate would show up for the meetings when they could and be a voting member if a vote was needed because someone else was not there, a different commitment than the Planning Commission and something he could do. He noted he was approached for the position and did not request the appointment. Mr. Gelb noted he made his choice as a Commissioner and after the meeting when asked why he did not vote for Mr. Assante, he indicated he had trust issues. Mr. John Kuntzleman, 1015 Dogwood Lane, objected to the comments made about Mr. Assante.

Chief Green informed the board he was contacted by Mr. Frank Spidea, a resident from 1105 Country Club Road, who represents the homeowners association of Country Club Townhouses. He brought up a concern regarding Country Club and Cherish Roads. A lot of residents are elderly and when they pull out from Cherish onto Country Club, they do not pull out as quickly, and with the sweep of the road from the one direction and the knob from the other direction, cars are on top of them as they are trying to pull out slowly. They provided a petition of 37 residents requesting a stop sign, which Chief Green presented to the board on their behalf. Chief Green looked into the matter and spoke to the sign department. He believes it looks reasonable to put a stop sign there for those residents. He suggested signs be put up on a trial basis and lump it together with the West Fairview ordinance.

President Tyson noted it may set back the advertisement. Ms. Coyne suggested it makes sense for saving advertisement costs. The engineer should look at that as standard protocol to confirm site distance.

MOTION to accept the petition for a stop sign at Cherish and Country Club Roads, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Mr. Jim Benoist, 1312 Second Street, West Fairview, noted the one-way on Second Street in West Fairview is the worst thing because Biddle Street now is a two-way street, which it cannot be a two-way street. The ladder truck, at 46 foot, is stuck in town once it is in. Chief Green stated if there was an emergency needing the ladder truck, the police would take them the wrong way on a one-way street to get them out of town after an emergency. Mr. Benoist noted they come down to Station 2 to do training and cannot get out of town as they cannot make the corner on Third. Chief Green stated one of the suggestions was parking on that corner. Mr. Benoist stated they still cannot make it even with that ladder truck. He suggested the board rethink the one-way.

Mr. Pietropaoli asked if somebody could drive the ladder truck with the police to show what turns they can make. Mr. Benoist noted the steel pole to the right-hand side of that first house does not move. President Tyson suggested staff needs to continue to investigate this, which validates the potential delay of the advertisement for the stop sign at Cherish and Country Club Roads.

III. 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. Fidler, and was carried by a unanimous aye vote.

The board discussed the development on Valley Road on the township line between East Pennsboro and Hampden Townships. Construction will be in Hampden, no construction, no stormwater, no development whatsoever in the 3-acre portion in East Pennsboro. They are asking for a waiver of the actual review from East Pennsboro and go strictly through Hampden Township.

Mr. Quigley noted this matter was before the Zoning Hearing Board, which granted relief. There is subdivision still to go before the Planning Commission because the subdivision does affect East Pennsboro. It went to the Zoning Hearing Board because there are two homes on the lot. It is a nonconforming use that becomes a more intense nonconforming use by making it smaller, from 27 acres down to about 5 acres. The subdivision still has to go forward, but this is for the land development. Mr. Pietropaoli noted the land development is for excess acreage that they are pulling out of that. Mr. Quigley stated the principle home is in East Pennsboro, and there is a second home on the lot in Hampden Township, but all 22 acres of this land development is in Hampden Township.

MOTION to approve the land development waiver for the Valley Road community located on the Hampden Township line with no development/construction or improvements in

East Pennsboro, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

The board discussed an escrow account for engineering. Mr. Quigley stated since the township does not currently have a staff engineer, he suggested creating an escrow fund that can be drawn down to pay a consulting engineer, similar to what they do with traffic engineering, sewer engineering, and septic engineering. He noted this would continue until a staff engineer would be hired. Ms. Coyne noted this would change the fee schedule that was adopted at the last meeting.

MOTION to add civil engineering escrow for \$1,500.00 to the 2020 fee schedule under subdivision/land development escrow funds on page 20 to cover third-party engineer reviews in the absence of having an in-house engineer, was made by Ms. Magaro, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

MOTION to reaffirm Resolution 2020-02, Fee Structure for 2020, setting the stormwater value of one ERU at 3,430 square feet, not at 3,240 square feet, to correct a typographic error, was made by Ms. Magaro, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

MOTION to reappoint Matthew Haas of 103 Sgrignoli Lane, to the East Pennsboro ICD Authority for a five-year term expiring February 1, 2025, was made by Ms. Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to reappoint Jacqueline Smith-Bennett, 1063 Country Club Road, to the West Shore Authority for a five-year appointment expiring February 1, 2025, was made by Ms. Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to reappoint Eugene Assante, 817 Acri Road, to the Civil Service Commission for a five-year term as an alternate until February 1, 2025, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a

Board of Commissioners
February 19, 2020
Page 8

majority of aye votes, with Mr. Gelb and Mr. Fidler voting in the negative.

MOTION to appoint Paul Huffman, 7 Wetherburn Road, to the Zoning Hearing Board for a five-year term until February 1, 2025, was made by Ms. Magaro, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

MOTION to appoint Susan Belles, 505 West Shady Lane, to the Planning Commission for a five-year term until February 1, 2025, was made by Ms. Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to appoint Robert Martz to the Fire Rescue Advisory Board for a two-year appointment until February 1, 2022, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

The board reviewed the existing right-of-way along Miller Street in Summerdale. There is a stormwater outfall as one of the utilities which has already been dedicated to the East Pennsboro Authority. The legal description was provided by the engineer for the IU for the 1-acre proposed subdivision as part of the development plan for Summerdale. The board will advertise that and enact the ordinance and then vacate the side of Miller Street at the corner of First and Miller Streets by way of resolution.

MOTION authorizing the Solicitor to draft and advertise an ordinance for the vacation of excess right-of-way along Miller Street in the Village of Summerdale, was made by Ms. Magaro, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

Mr. Jim Benoist discussed with the board the purchase of a new aerial ladder truck. There are specs on the bid to provide an engine with or without a pump. His recommendation to the board is to select the aerial truck without a pump and let the truck people do the truck work - search and rescue, forcible entry, and ventilation. He noted a pump takes another person, and volunteers are

hard to find. They do not have another person to run a pump. The driver is helping to guide the ladders and do a lot of other things. His opinion is that with the pump, they have four engines with close to 4,000 gallons of water coming. If they cannot put out a fire with 4,000 gallons of water plus the hydrants in the township, that will not be the fault of the aerial truck. Adding a pump will only get 300 gallons of water, which will put out a room and contents. The township would be saving almost \$84,000 without the pump, making the final cost roughly \$1.1 million.

He noted there is an extended warranty for \$17,000 for one year with the Pierce, with KME they have a warranty of \$4,500 for a year. KME is giving two monitors. He further noted truck work is forcible entry, ventilation, and search and rescue. He asked the board not to have them stranded with a guy stuck at a pump all the time.

Ms. Magaro asked with the decrease in volunteers, what if they could not get another truck out but if they could bring a truck and have water with it, would that not be a help. Mr. Benoist stated during daylight they are always getting a truck and an engine. He asked that they not strand one person at a pump panel. Mr. Benoist noted with the aerial in operation, in order to put the pump in gear, he would have to shut everything down to start the pump, because if you have the fast idle on for the aerial in the back, you have to shut that down to go up and put the pump in gear, go back to the pump panel and get it back going. This would be a problem if there was a further decline in volunteers.

Mr. Skip Magaro asked if this was the consensus of the Fire Department. Mr. Alex-Pell Kline, Company 17, noted if somebody's house is on fire, his primary job in running the truck is to come and get you. He does not have time to pull hose line and worry about getting water. His job is to come and get you. He knows he will have engines coming behind to get water, if he needs it. Most of the guys running the truck would say they do not want it.

Mr. Dale Crossland stated with the manpower, if you get the two pieces out and you have an engine and a truck and you try to put that pump on with the truck in operation, then you will have to take people away from the engine and to operate the pump on the truck. The city of Harrisburg has aerial pieces and they do not have pumps. There are very few municipalities in the area that have pumps on aerials. He noted a truck with a pump on it complicates the truck operation that much more.

Mr. Fidler noted there was a difference of opinion in the presentation at the FRAC Board meeting and he has not heard anybody speak about why it is a good idea to have the pump. President Tyson stated he was told that it could be used at some point in time, maybe 5 or 15 years in lieu of having two trucks, then the additional cost might be worth it.

Mr. Alex-Pell Kline stated the people who do not want the pump far outweigh the people who want the pump. The township may be spending \$80,000 on a pump it may only use one time. Mr. Skip Magaro noted if the volunteers do not want to use the pump, they will not use it, so why have it on if it will not be used.

Mr. Bill Case, 912 Wertzville Road, stated he also served on the Fire Rescue Advisory Board and has done some research into this. He noted he has respect for these volunteers, as a retired fireman for a long time in North Carolina. He understands what they are saying about no pump, but his concern is when volunteers dry up even more and response times get longer, he dealt with this where they had volunteers who did not show up daytime, nighttime, and weekends. Volunteerism today is declining rapidly in the fire service, so he made the motion to have the pump on the truck purely for the fact that if that truck shows up in front of a house, and he understands forcible entry, ventilation, and search and rescue, he did all of that for years, but if he needs water on that fire and that is the only truck that shows up at the time, he wants water on the fire, 300 gallons

of water can take care of a room and contents. Provided staff is trained correctly, they can put out a fire pretty quickly. He noted Hanover has a career department and their truck has a pump on it. The \$80,000 to have a pump on that truck and have water come to a fire versus not having that on a truck that comes to a fire with no water is the board's decision. But as a taxpayer in the community, he would prefer to have water on the truck.

MOTION to award the construction bid of a new Aerial Apparatus, manufactured by KME, to Fire Rescue Products of Harrisburg, Pennsylvania, lowest responsible bidder, in an amount not to exceed \$1,330,000.00, including the option of a fire pump, hose storage, contingency fund, design cost allowance, prepay discount, and extended warranty, as recommended by the Fire Rescue Advisory Committee on 2-10-2020 following 1-15-2020 bid opening, was made by Ms. Magaro, seconded by Mr. Fidler, and was carried by a majority of aye votes, with Mr. Skip Magaro voting in the negative.

Ms. Magaro stated if we save one life at any time by having that on the truck, that is what matters. If they never use it, she is fine with that. Mr. Skip Magaro stated too many times he worked with equipment that does not suit the people who work with it. He would rather have equipment that the guys want rather than not.

MOTION to accept the trade-in offer from Brindlee Mountain Fire Apparatus of Union Grove, Alabama, as submitted with new apparatus proposal, in the amount of \$125,000.00 for the existing 2004 aerial apparatus, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Mr. Quigley noted the Planning Commission recommended that when new land development plans are submitted that the original plan should be withdrawn. There was a case in the Philadelphia area where there was a clerical error that occurred and a plan was submitted simultaneously after revisions were sent back, another plan was submitted, the understanding was at that point but no

formal execution that replaced the other plan, and after the plan ultimately was rejected, the plan that was originally submitted was deemed approved because it had not been acted on in 90 days.

MOTION to establish a policy that revisions to land development plans be accompanied by a withdrawal of the original plan and the revised plan constitutes a new submission restarting the 90-day review period, there are to be no new 30-day prior to meeting requirements for submissions or new land development fees to be collected for these superceding submissions, was made by Ms. Magaro, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

MOTION directing the Township Manager to draft and send communications to both Representatives Rothman and Delozier expressing the Township's opposition to HB 1400 regarding stripping the Township's zoning authority as it relates to rights-of-way, was made by Mr. Fidler, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

President Tyson stated he is in favor of moving forward on this. He thinks a detailed description of what 5G wireless is and how it will dramatically change the landscape of high-speed Internet communications throughout the country and that we are able to preserve the township's authority to have to control to a certain extent, but he does not want to be a township or a region creating pockets where there is no service. He believes it will replace much of the cable in place now, fiber or otherwise, and it will allow for utility now where there is not utility.

Mr. Skip Magaro noted with regard to the Kemper alley request for one-way traffic, he would like to have the Codes Office canvass the residents on the alley to get their opinion so the board can come up with a solution where everybody will be happy.

Board of Commissioners
February 19, 2020
Page 13

Ms. Magaro noted April 18 is community clean-up for East Pennsboro Drive from Wertzville to Highmark.

Mr. Skip Magaro noted for the record that he holds in high regard his position as East Pennsboro Township Commissioner and feels Commissioners should maintain their composure no matter what people say and should act very responsibly. He stated he was appalled at what happened tonight, and as a board member, he apologized for that.

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