

EAST PENNSBORO TOWNSHIP
BOARD OF COMMISSIONERS
FEBRUARY 5, 2020

Regular Meeting

7:00 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, February 5, 2020, at 7:00 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; 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; 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.

Chairman Tyson noted the microphones are now operational, and he thanked staff who put in the audio system to improve the acoustics for guests.

II. APPROVAL OF MINUTES

MOTION approving the minutes of the Regular Meeting of January 15, 2020, was made by Mr. Fidler, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

III. APPROVAL OF REPORTS

MOTION approving the Building Permit Report for January 2020, was made by Mr. Gelb, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

IV. PRESENTATION

Chairman Tyson presented for informational purposes the proposed FEMA floodplain map. The 90-day appeal

period started on February 4 for anyone who would have an appeal for their property that may have had a change in status regarding the floodplain. He asked residents to please contact staff on the second floor of the township building to help address any questions they may have.

V. BUSINESS FROM THE FLOOR

Ms. Darlene Zelasny, 15 Charisma Drive, asked what the township policy is concerning expenses incurred by Presidential campaigns, as there is one going on tonight at the Radisson and there is a lot of security utilizing local police. She inquired how the campaigns reimburse the township for services rendered. Chairman Tyson stated what happens with any such event, the township gets notified starting in Washington at the Federal level. It involves the Pennsylvania State Police, the county, the sheriff's department, many local law enforcement such as East Pennsboro, Camp Hill, any of the corridors that would be blocked, and those bodies coordinate to provide services for safety and security of the individual as well as public safety for the rest of the community. He noted even though East Pennsboro is getting national exposure in Central Pennsylvania, which typically does not happen in this region, and he expects there will be more of this activity probably from now until the end of the year, expenses are always a concern. Everything possible is done to arrange it so that the officers' shifts incur as minimum overtime expense as possible, but at the end of the day, it is the township's responsibility that public safety is addressed, as well as the safety of the dignitary.

Mr. Fidler noted the board discussed this earlier tonight, as he has received questions from many neighbors regarding what it costs. The board is reluctant to reveal many of the costs from the Police Department for safety purposes, but if a resident has a request for costs, they can be given an order of magnitude such as \$2,200 or \$10,000. There will not be an itemized list, just an order of magnitude. He is not aware of anyplace in the United States where they get payment from the campaigns.

Mr. George DeMartyn, representing the East Pennsboro Historic Society, asked if the developer for the Summerdale property submitted any subdivision plans for the property. Mr. Quigley stated they have not yet. They hope to meet with the developer either this week or next week. There are some things in flux, and after that meeting he will have an idea of what their schedule is. Mr. DeMartyn asked if they have submitted their final plan for the development, and if there was any time schedule. Mr. Quigley stated the township has received nothing further than the preliminary plan that has been approved, and as it is in a constant state of flux, he has no time table.

Mr. DeMartyn asked on behalf of the Historic Society, and especially the Committee to Save the Enola Miller House, that the board to consider appointing a committee of two Commissioners and one staff member to meet with them on a regular basis to keep communication open and to share information, because the Historic Society is committed to being involved in this project. They are anxious to know scheduling and when to start fundraising. The Historic Society believes such a committee would be helpful to keep communications open on a regular basis.

Mr. Jonathan Humma, Four West Red Gold Circle, Camp Hill, addressed the board concerning the new taxes and stormwater fee article in the recent township newsletter. He stated he just moved to the township and the newsletter was his first introduction to the township's program. He understands Federal mandates requiring MS4 across the State, but he noted while the article characterized a slight increase in 2020 taxes, his calculation is an 18-percent increase in taxes. He feels the portrayal to residents is disingenuous trying to downplay the magnitude of the tax increase of \$30 or \$40 for an average homeowner, plus the stormwater fee. He noted there was no tax increase in 2019, and as he is new to the township, he looks forward to learning more about the budgetary realities and challenges. He appreciates the work of public service, especially at the township level, which is challenging, and he appreciates the work the board does.

Chairman Tyson thanked Mr. Humma for his comments and welcomed him to East Pennsboro Township. He stated it is always challenging when any fees or taxes have to be increased. East Pennsboro has been doing things under the normal budget for the requirements of the stormwater and MS4, but this year is not able to continue doing that. While no one is happy with the fee, Federal mandates require serious infrastructure upgrades to provide the required reductions of sediment and nitrogen, such as replacing pipes and collection boxes that are deteriorating, and pipes that were in place long before some of the infrastructure was built out that are not able to contain the requirements of that water.

The Authority put in place a 5-year MS4 plan that will keep those associated costs fixed. Unfortunately, there are contractual and hard costs that mainly contributed to the increase in the taxes this year. He thanked Mr. Humma for bringing his concerns to the board.

Ms. Manuela Bieinig, 852 Melissa Court, addressed the board regarding the 18-percent increase and asked that in the future it would be more helpful to simply state the percentage increase. However, in addition to the stormwater fee, which is \$88, and the fee of \$20, she is concerned about older residents who are on fixed income and may not be able to absorb this \$100 for the year. She wondered if there was a need to look at taxation in a different manner and make it a percentage of income so that the people who are able to have a larger income can contribute a little bit more.

Ms. Bieinig brought up a second issue regarding an issue in Westwood Village. At the last council meeting, a house had been sold and the council had been made aware that one of the people originally interested in purchasing it would live in East Pennsboro for three months of the year and then use it as an AirBnB for nine months of the year. It is a four-bedroom house, and they were informed a four-bedroom house can be rented out for up to 12 people. She noted there are two parking spaces per unit.

She found a document on the Cumberland County Web site entitled Cumberland County Planning Department Short-Term Rental Guidelines, and the introductory note says the Cumberland County Planning Department developed this guidance document through review of a variety of ordinances, analysis, and white papers specifically focused on short-term rentals. The Planning Department does not endorse or recommend implementing all of the guidelines described, rather the Planning Department encourages municipalities to examine the issue of short-term rentals in the local context to determine what, if any, resolution is needed, and she asked if this is something the township is considering.

Mr. Quigley stated the township has looked into this issue and are still currently looking into it. One of the problems with short-term rentals is enforcement. It is very difficult to actively enforce, as you have to actually see that somebody is renting it in a short-term fashion. They are working at setting up ordinances to address it, but crafting those ordinances in such a way that they are actually enforceable is a very difficult thing to do.

Ms. Bieinig noted other issues include the difficulties for the Police Department to deal with these issues, and emergency services, snow removal, which all could be impacted. She acknowledged that homeowners associations are free to make their own regulation, and she was not representing her association. She asked that while the township is considering an ordinance, she would like to check on the status on an ongoing basis. Mr. Quigley will provide Ms. Bieinig with his email address and phone number to reach out to him.

Chairman Tyson commented regarding the stormwater fee and taxes that the board is very sensitive to any increase, especially for those on fixed incomes, but unfortunately, this requirement is one of those unfunded mandates that in many cases get handed down from Washington to Harrisburg, who then pass it on to local municipalities, where there is very little wiggle room.

It is a mandate the municipality must implement. The permit cycle on the MS4 must be issued by DEP. Several years ago during a meeting where the permit was being evaluated by the State, they said the permit would not be reissued. At a subsequent meeting with DEP and a State Senator, the township indicated that its permit was submitted per the guidelines of many correspondence and instructions that were given to our staff and engineer at the time, and they indicated that everything that was done in the permit submission was done exactly the way it needed to be done at that time, however the rules had changed. Their comments would have cost East Pennsboro millions of dollars at that time. The township's permit was approved the way it was originally submitted, with the understanding of the new rules that the next permit would be submitted under. This has happened not just in East Pennsboro but in many municipalities.

An Authority was formed to research alternatives and evaluate how to equitably fund this MS4 program. The Authority decided on a program with a fee that would be frozen for five years to help residents assimilate the new costs.

Mr. William Brougher, 642 Mountain Street, updated the board on the remodeling project of Northeast Fire and Rescue. The retaining wall project is 95 percent complete. He is waiting on the wall report from the engineer to give to township staff. He thanked the Township Manager and road master for working with them on the storm box for the new parking lot. The parking lot design will meet ADA requirements and will be submitted to township staff. They had a site meeting with Conestoga on January 24. They are working with the postal service in the process of formally writing what needs to happen, because the way the social hall roof needs to be physically replaced, they just cannot stay in the physical building. The next building committee meeting is 6:30 p.m. on February 13.

Mr. Dale Crossland, 627 Mountain Street, stated as a taxpayer and a 36-year member of Northeast Fire and

Rescue, in October he attended a meeting where people said they wanted to work with each other, and he was discouraged tonight to see Resolution 815-2020 on the agenda with no input from the Fire Department and administration, which he thinks is a step backward. He believes the presidents and fire chief should have had input on the resolution.

Regarding the new taxes and stormwater fee, he is not happy about an 18-percent increase, but noted the board would not have had to raise taxes at all this year if the township had not gotten into the real estate business 10-plus years ago and paid over a million dollars in interest for the Summerdale property. He hoped the township never gets back into the real estate business again.

VI. ITEMS FOR DISCUSSION AND APPROVAL

MOTION authorizing payment of invoices and payroll pending review and signatures of Commissioners, was made by Mr. Skip Magaro, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

Mr. Pietropaoli explained that the board pre-approved the following resolution with the incorrect number last meeting. This motion assigns the correct resolution number.

MOTION to change Resolution no. 815-2020 of the Township of East Pennsboro, Cumberland County, to Resolution 2020-01, FRAC, this was an incorrect number assigned to the resolution, which would be the next ordinance number in the sequence, was made by Mr. Fidler, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

MOTION to approve Resolution 2020-02 of the Township of East Pennsboro, Cumberland County, fee structure for 2020, was made by Mr. Fidler, seconded by Mr. Gelb, and was carried by a majority of aye votes, with Mr. Skip Magaro voting in the negative.

MOTION to approve payment to Coyne and Coyne, Solicitor, for professional services rendered during the period of January 1, 2019, through December 31, 2019, in the amount of \$18,931.24, was made by Mr. Gelb, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

Ms. Coyne reviewed the execution of the deed of dedication of stormwater facilities pursuant to Resolution no. 2019-18 with the board, authorizing the transfer of the stormwater facilities that are currently titled or held in the name of East Pennsboro Township. In order to move forward with the Authority and the generation of the fee, this is a housekeeping step to transfer by way of a deed of dedication the stormwater facilities currently owned by the township, a transfer to East Pennsboro Township Authority. There is no transfer tax, as this is a transfer between two municipal entities. This was authorized by way of a prior resolution referenced in the motion.

MOTION to authorize execution of the deed of dedication of stormwater facilities to the East Pennsboro Municipal Authority pursuant to Resolution no. 2019-18, was made by Mr. Gelb, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

Ms. Coyne stated the Authority will then have to accept the deed, which will take place at the next meeting of the Authority, and then it will be recorded.

MOTION to approve and support the joint effort of the Cumberland Conservation Collaborative and the Friends of the Conodoquinet Greenway pursuit of a DCNR grant to fund a trail in the West Shore area which would also include East Pennsboro Township, was made by Mr. Skip Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

Ms. Coyne noted this includes East Pennsboro, Hampden, and Camp Hill. Hampden and Camp Hill have already supported the effort. The township would not be the applicant, the applicant will be the collaborative.

MOTION to approve the release of the reimbursement of the 2019 capital improvement funds, was made by Mr. Skip Magaro, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

Ms. Coyne reviewed Ordinance no. 815-2020 with the board, noting the Treasurer is a required position for appointment. The ordinance would change township codification so that the Township Treasurer, who will be handling the day-to-day operations, would be the financial administrator, that person currently is June Rudeck. The current ordinance does not have that in compliance with the First Class Township Code, which was amended to permit the Township Treasurer to be appointed by the board, or it could be the Township Tax Collector. This comports more with what the Treasurer does on a day-to-day basis not only as far as the moneys that are collected but also the expenditures and being responsive to this board with providing necessary reports on a routine basis.

MOTION to adopt Ordinance no. 815-2020 of the Township of East Pennsboro, Cumberland County, establishing the appointed position of Township Treasurer and establishing duties, compensation, and bond requirements for the Township Treasurer, was made by Mr. Gelb, seconded by Mr. Skip Magaro, and was carried by a roll-call vote of 4-0.

The board discussed the appointment of former Commissioner John Kuntzelman as a board representative to the Capital Region Council of Governments, where he served previously. Mr. Fidler is the Commissioner appointment, Mr. Kuntzelman would be a representative. Mr. Gelb asked if in past practice there were typically two COG members, an alternate and an actual member, and whether they were to be elected officials or appointments instead of the Township Manager or Assistant Township Manager.

Mr. Pietropaoli noted currently the representative is Mr. Terry Watts, an employee, and Commissioner Kuntzelman was until January. The Township Manager and Assistant Manager go to a separate meeting. He noted Mr. Watts has

been attending representing Royalton, but also bringing back information to East Pennsboro. Attendance is necessary as there is pertinent information to get back to the Board of the Commissioners. The management meetings for Township Manager and Assistant Manager are separate with COG, and they are daytime meetings.

Mr. Gelb further asked if the appointment could be an employee of the township or other elected officials. Mr. Pietropaoli noted it was actually COG's suggestion to have Mr. Kuntzelman appointed and continue as a resident liaison. What that resident would be asked to do is give a COG report to the board because they are acting as a liaison to the board. Mr. Gelb suggested it should not be taken away from a President or Vice President who maybe should go with Mr. Fidler as representation of the township. Mr. Pietropaoli noted Monday nights are tough for most board members, and he did ask most of the board members if they were available to attend.

MOTION to appoint John Kuntzelman as representative to the Capital Region Council of Governments was made by Mr. Skip Magaro, seconded by Mr. Fidler, and was carried by a majority of aye votes, with Mr. Gelb voting in the negative.

MOTION to appoint Gene Wingert, 501 North Enola Drive, to the Environmental Advisory Council for a five-year appointment until February 1, 2025, was made by Mr. Gelb, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

MOTION to appoint William Case, 912 Wertzville Road, to the Fire Rescue Advisory Committee for a three-year appointment until February 1, 2023, was made by Mr. Gelb, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

MOTION to appoint Stephanie Andrejack, 2914 Sunset Drive, to the Board of Health for a five-year term until February 1, 2025, was made by Mr. Skip Magaro, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

MOTION to appoint Mark Geisler, 816 Ridgewood Drive, to the Zoning Hearing Board for a five-year term until February 1, 2025, was made by Mr. Gelb, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

Mr. Gelb noted with item 14 on the agenda the board previously discussed a conflict of interest concern about this individual's employment and the work and decisions of the board, that further consideration should be given.

MOTION to table item 14 on the agenda was made by Mr. Skip Magaro, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

MOTION to appoint Charles Yohe, 15 Windsor Way, to the Civil Service Commission for a five-year term until February 1, 2025, was made by Mr. Gelb, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

MOTION to appoint 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, but failed for lack of a second.

MOTION to appoint George Tyson, 1005 Belle Vista Drive, to the East Pennsboro Authority for a five-year term until February 1, 2025, was made by Mr. Fidler, seconded by Mr. Skip Magaro, and was carried by a majority of aye votes, with Mr. Tyson abstaining.

VII. OLD BUSINESS

Mr. Pietropaoli noted at the last meeting the board passed an ordinance updating parking, speed limits and stop signs throughout the township. There is a bit of a conflict with the limited parking requirements of the new ordinance in the Village of West Fairview for a few residents in that area due to no parking additions and they are left with a hardship of no parking around their homes and no parking available on the property itself. He sent a letter to residents on Second Street in West Fairview, State Street, and Abolition Street regarding one

way and creating parking areas on the east side of Second Street where adequate width can still be maintained to get snow plows, fire trucks, and street sweepers through. The hope is to get five parking spaces by getting rid of some of the bank. Staff is looking at every other possible area for additional parking in that area, but it is definitely a hardship that the Codes Office, Police Department, and Township Manager have looked into. Since the hardship was created by the new ordinance, he believes it is the township's responsibility to provide alternate parking.

Mr. Pietropaoli noted it is creating a problem on weekends and evenings because those people whose parking spots were moved to other streets, it is now compounding on other areas and nearby streets. Neighbors are fighting over existing parking spaces. Chief Green recommended from Clay to the Legion one way, they do not recommend from State because there is already parking on both sides of the street in that block, but by making Clay to the Legion one way would pick up some spaces on the east side of Second Street and still allow for a fire truck to get through. The last couple of fires in the village had issues with fire trucks getting through and clipping parked cars trying to respond to fires. He noted the township is trying to balance a public safety need with parking for the residents.

Mr. Pietropaoli asked if Chief Green would like to create a test run by creating the sign and then go to the ordinance, or if he would like to have the ordinance advertised. Chief Green stated he would like to post it as a test run while going through the ordinance requirements to provide relief for the residents as quickly as possible.

MOTION directing the Township Solicitor to create and advertise an ordinance making Second Street of West Fairview one way between the intersections of Clay and Abolition northbound, and creating parking areas on the east side, was made by Mr. Skip Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

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Mr. Pietropaoli requested an Executive Session with the Commissioners after adjournment regarding personnel with no action taken.

Mr. Gelb thanked Chief Green, Lieutenant Diehl, Erik Owen, John Owen, and others who assisted today with the political rally in the township. He noted there was a lot of planning long before today with a lot of local, State, and Federal agencies.

Chairman Tyson added that at the next meeting there are a couple of appointments the board still needs to act upon. The township has received applications from Mr. Paul Hoffman and Mr. Robert Gill for the Zoning Hearing Board.

MOTION to adjourn the meeting at 8:06 p.m., was made by Mr. Fidler, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

(Whereupon, the board met in Executive Session upon adjournment regarding matters of personnel with no action taken.)