

EAST PENNSBORO TOWNSHIP
BOARD OF COMMISSIONERS
MAY 20, 2020

Regular Meeting

7:30 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, May 20, 2020, via teleconference.

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 and Lt. William Diehl, Police Department; Erik Owen, Fire Marshal; and Robert Coyne, Law Office of Coyne and Coyne.

I. CALL TO ORDER

President Tyson called the meeting to order at 7:30 p.m., acknowledging that this meeting is being held via a publicly announced teleconference that was done under the declared State emergency.

A moment of silent meditation was held, followed by the Pledge of Allegiance to the Flag.

II. QUORUM

A roll call was taken and a quorum was established.

President Tyson welcomed those on the call and noted their mics will be muted until Business From The Floor, where he will go down the list of individuals who submitted a request for comments, as well as at the end of the meeting for any further comments.

III. APPROVAL OF MINUTES

MOTION approving the minutes of the Regular Meeting of May 6, 2020, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

IV. APPROVAL OF REPORTS

MOTION approving the following itemized reports:

1. Police Report - April 2020
2. Fire Report - April and May 2020

was made by Mr. Fidler, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

V. BUSINESS FROM THE FLOOR

Mr. Paul Hartman commented on the final subdivision and land development plan for Summerdale property, which is on the agenda for consideration tonight, the only concern was the 20-foot right-of-way that goes to the Intermediate Unit was not on the plan. That has now been put on the plan, as well as other items the Planning & Zoning Commission wanted on the plan, the developer came up with more screening, as requested, and is in position for consideration, except for comments that need to be satisfactory corrected before it is recorded. Mr. Quigley concurred they did address the right-of-way and they have now drawn it to the edge of the Intermediate Unit property. Mr. Quigley noted there are no sidewalks going to First Street. There is a walking path that runs throughout the entire Summerdale property. Mr. Skip Magaro asked if it was stone or concrete. Mr. Quigley stated it can be stone but believes they are going to be macadam. Mr. Chuck Frantz, the engineer for the plan, stated the walking path shown on the plan was originally intended to be a stone walking path to allow for pedestrian traffic throughout the development.

President Tyson called on Mr. George DeMartyn. Mr. DeMartyn stated he was representing the Enola Miller House Committee, as well as the Historical Society. He noted they do not have any problems with the plan but would like to know the type of scheduling. President Tyson stated there is no specific schedule at this point. Mr. Quigley noted if the project goes forward with additional submissions and approvals, there will be a

specific permit submitted for the relocation of the home. Relocated structures require building permits, as would be required for the new foundation, as well as the zoning permit would be part of that to insure that it is appropriately placed.

President Tyson anticipates there will be a more clear path forward after approval of the plan and as they get more input from the outside agencies during the approval process, such as the highway occupancy permit and the NPDES permit. He stated the board understands the interest and concern and will do everything to keep the Historical Society up to date on that particular process. Mr. DeMartyn asked if the subdivision for the Intermediate Unit has been approved. President Tyson stated it was approved at the prior meeting. Mr. DeMartyn noted he is interested in the scheduling of the project for their own fundraising purposes. President Tyson stated he will see that that occurs.

President Tyson called on Mr. Jim Hertzler. Mr. Hertzler noted he hopes the township has reached the final point where the project can move forward and be developed responsibly, noting a lot of community members are interested in the safe relocation of the historic Enola Miller house.

President Tyson called on Ms. Barb Gertzen and Ms. Tiffany Lantz, who had no comments.

President Tyson asked if anyone else on the call wished to speak. After no response, he thanked those on the call for their participation.

VI. ITEMS FOR DISCUSSION AND APPROVAL

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

MOTION to approve the waiver requests from the requirements of Chapter 22, Section 715.6E.5 - Fence around basins; Section 715.6A - Freeboard of less than 1 foot in the basins; and Section 518.2 - Sanitary sewer easement width, was made by Ms. Magaro, seconded by Mr. Fidler, and was carried by a roll-call vote of 5 to 0.

The board then reviewed the Final Subdivision and Land Development Plan for the Summerdale property. Mr. Quigley reviewed that on October 16, 2020, the Board of Commissioners conditionally approved the preliminary plan for subdivision and land development. The initial submission of the final plan was on February 11, 2020. On February 28, comments from Cumberland County were received. On March 9, East Pennsboro Township staff sent their reviews. On March 12, the Planning Commission initially took a look at it and thought there was some work to be done and tabled it. On May 1, 2020, they received a revised plan submission. On May 1, the Planning Commission agenda and the virtual meeting procedures and guidelines were posted to the township Web site. On May 14, the Planning Commission unanimously recommended conditional approval. On May 15, the Board of Commissioners workshop and meeting agenda as well as the virtual meeting procedures and guidelines were posted to the township Web site.

Mr. Fidler followed up on the question regarding walkways inside the Summerdale property, whether walkways inside the property are going to be blacktop or loose compacted stone. Mr. Quigley stated there would be a difference between the sidewalks, which there are concrete sidewalks inside, and walking paths. Mr. Chuck Frantz stated the trails that will be throughout the site, the surface is called a trail surface aggregate, something that Penn State has specifically developed for walking trails. It is a mix of some larger stones underneath and a lot of fine stones at the top. The top of the surface will have a finer surface that will be compacted as they roll it, and it will become more compacted over time. It is meant to be more environmentally friendly. It does not have any erosion

effect like putting straight stone on the path would. The trail surface aggregate will be on the walking path only. Mr. Fidler asked if plants would be growing up through the trail surface aggregate. Mr. Frantz stated there will be no weeds growing up through the cross section of 3 inches of 2A stone underneath, compacted subgrade, and 3 inches of trail surface aggregate on top of that. The density is such that vegetation will not grow up through it. Mr. Fidler asked if the maintenance of this aggregate will be a maintenance item for the owners of the property or the township. Mr. Frantz stated maintenance of the trails will be the responsibility of the property owners.

President Tyson noted throughout this process, 4-plus years ago there was a connectivity study done within five nodes of the township, and the one node was this particular tract of land, speculating that at some point in time it was going to be developed. That particular tract of land was going to connect to Central Penn College, and then eventually over to the school district. This was something that was envisioned before this project was even presented to the board. He noted the aggregate surface is similar to what is found at a State Park, a very fine, pleasant walking trail, whose maintenance responsibility is on the property owner, not the township.

Mr. Gelb asked if the trails are going to be through the apartments or condos, or through the development on the outer path. Mr. Frantz stated currently on the plan, the concrete sidewalks will be limited to the areas inside of the apartment complex, and likely the commercial development when it comes in is where there will be more of the traditional concrete sidewalk. What they have tried to do with the paths is use the walking trail for more regional connections within the development, such as areas parallel to the main road would be walking trails, biking trails, and once you get off those main corridors, then you would be back on more of a gradual concrete sidewalk once you get inside the apartment community, and the commercial areas will be

concrete sidewalks as well. Mr. Frantz stated there would be more walking trails if one were going from one entity to another. Once you get to that entity, you will be more on a traditional sidewalk.

Mr. Gelb noted he is in favor of the land development and is happy that things are coming to East Pennsboro. He wished the historic house could have stayed where it currently was for the last 200 years. He was in favor of the underground stormwater ponds, which would have helped allow the house to stay where it is, but is glad to be moving forward with the project in general.

Mr. Skip Magaro stated he is glad to be proceeding and getting this over because it has been quite a burden on the taxpayers.

MOTION to approve the Final Subdivision and Land Development Plan for the Summerdale property, conditioned upon satisfactorily addressing staff comments and securing outside agency approvals as defined by the staff, which include PennDOT and DEP, the posting of appropriate financial security as determined by the Township Engineer, and the signing of the appropriate developer's agreement, was made by Ms. Magaro, seconded by Mr. Skip Magaro, and was carried by a roll-call vote of 5 to 0.

President Tyson asked to review the bids for the highway improvement project of Poplar Church Road. Mr. Jason Reichard, with C.S. Davidson, reviewed the bid tabulation of five bids that were received from qualified bidders, each of whom the township has worked with in the past. The bid results were fairly competitive between Kinsley and Pennsy. Two items that stood out were related to the unit pricing for the bituminous asphalt. Earlier this year numbers were in the \$80 per ton range, but the bids saw an increase. The ADA ramps also came in higher than estimated, at \$10,000 per ramp instead of \$7,000, on average. The most current project estimate was slightly under \$500,000, and the lowest bid is about 2 percent over the estimate. He noted when the scope was

still being defined, the project was estimated in the range of \$400,000 to \$425,000, but six ADA ramps were added during the course of the planning process, which require a lot of detail and labor bringing them into compliance. Everything else seems to be in line of what was anticipated. Mr. Reichard noted the township has a great working relationship with Kinsley Construction.

Mr. Pietropaoli asked what would happen to the timeframe if the board takes more time to discuss this before the June 3 meeting. He would like to review how to maybe cut it back to get to the budgeted price, which he noted might mean removing the intersection of Erford and Poplar and the extension onto Erford, cutting out those ramps and the extra blacktop and work, and what it would do to the schedule if awarding of the bid was held off to June 3. Mr. Reichard stated that would be acceptable. The board has 60 days where they are required to issue a notice of award once the bids have been opened. The project time line would still be well within the construction window for this season. He noted the Erford Road section has about a \$50,000 value. Mr. Pietropaoli suggested looking at those ramps on Erford as well as the intersection, plus the extra paving, to get it down to a number closer to the budgeted amount, if Kinsley would be acceptable to the changes. Mr. Reichard noted there are provisions in the contract that the board bid this with full intentions of awarding, but they do reserve the opportunity to adjust the scope of work as necessary.

Mr. Pietropaoli asked to meet with Mr. John Owen and Mr. Reichard over the next two weeks and suggested the bid award be put on the agenda for the June 3 meeting.

MOTION to table the highway improvement of Poplar Church Road bid until the next meeting, was made by Mr. Skip Magaro, seconded by Mr. Fidler, and was carried by a roll-call vote of 5 to 0.

VII. PUBLIC COMMENTS

President Tyson opened the floor for additional public comments. Mr. Jim Hertzler stated he knows the board is relieved to finally get the Summerdale project to where it has been approved finally, and this has been a major undertaking for many years. He would have hoped that the Enola Miller house could have remained where it has stood for nearly 200 years, but that was not to be, but he is glad it will be saved and relocated and hopefully that project will go along without any difficulty or structural damage to the historic structure. He noted he is a little concerned about the gravel walkway versus sidewalks. One question he has of the developer is what happens when the developer is out of there in 10 or 15 years, who will have the responsibility of maintenance of the paths, the individual owners of the apartments? He noted the township should be concerned as to who is going to maintain it if it does not hold up as promised. He thanked the board for all their hard work on this.

Ms. Barb Gertzen stated she wholeheartedly concurs with Mr. Hertzler's comments, and thanked the board for having her on the call.

Ms. Tiffany Lantz stated she did not have any comments.

President Tyson thanked the members of the public for attending telephonically.

MOTION to adjourn the meeting at 8:22 p.m., was made by Mr. Fidler, seconded by Ms. Magaro, and was carried by a unanimous aye vote.