

EAST PENNSBORO TOWNSHIP  
BOARD OF COMMISSIONERS  
JULY 15, 2020

Regular Meeting

7:00 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, July 15, 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, 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 7:00 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 silence was observed, followed by the Pledge of Allegiance to the Flag.

II. QUORUM

A roll call was taken and a quorum was established.

III. EXECUTIVE SESSION

President Tyson noted for the record the board held an Executive Session regarding personnel, interviewing applicants for Township Engineer, as well as building security, from 5:30 to 6:05 p.m.

IV. APPROVAL OF MINUTES

MOTION approving the minutes of the Regular Meeting of June 3, 2020, was made by Ms. Magaro seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

V. BUSINESS FROM THE FLOOR

Mr. Frank Spidea, 1105 Country Club Road, addressed the board on behalf of the board of the Townes of Floribunda. Their goal was to have a stop sign installed at Country Club Road and Cherish Drive, which was approved by the Commissioners at a February meeting. It was later stopped by residents at 1101 Country Club Road because they did not want the stop signs on their property. As a result, further studies were done by Chief Green with a 30-day monitor which recorded volume speed. He noted there are a lot of people who bike and walk and they feel a necessity for a stop sign at Cherish Drive and Country Club Road. It is also an intersection for school bus pick-up. There is no signage. People take off from Oyster Mill Road and fly on Country Club Road. They would like something that will create a safer environment for the community. He requested the board go back to what was approved in February to have a stop sign installed at the installation markings that Public Works put down at the beginning of March.

Chairman Tyson noted the board will talk about it in the workshop session after the business meeting. He noted there were a number of discussions held in the previous workshop session. Mr. Skip Magaro asked the Solicitor to explain the situation.

Ms. Coyne stated in addition to what was discussed in February, the Board of Commissioners authorized to have a traffic study, which was just received today. At the time, the Township Engineer, as well as the Chief of Police, indicated that there were no warrants, which are the requirements for establishing stop signs. The board just received the report today and has not had time to study it, but Grove Engineering has confirmed that for engineering standards, it does not meet the requirements. The problem with supporting a stop sign that is not supported by engineering standards is it exposes the township to liability. Mr. Spidea stated the township will be exposed to more liability if there is an

accident. He noted there are children and elderly  
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pedestrians, and traffic blows by at 40, 50, 55 miles an hour. He stated he refuses to accept the engineering study. Chairman Tyson noted the board will be discussing it in more detail during the workshop session to discuss all points in the engineering study.

Mr. Mike Fedor, Vice President for Advancement and Strategic Initiatives at Central Penn College, introduced himself and brought greetings on behalf of Dr. Linda Fedrizzi-Williams, Central Penn College President. He noted Central Penn just celebrated its 50th anniversary in Summerdale, and they are very excited to be part of the community. He just joined the executive team in April and is excited to be part of the Central Penn College family. In December, they adopted a new 5-year strategic plan that once the township no longer has to conduct meetings telephonically, he would like to come back and share what they plan to be undertaking in five years.

He stated the college wants to deepen its relationship with East Pennsboro Township and have an open dialogue. In that respect, Mr. Fedor noted they are aware of the Summerdale Post Office issue that was raised during the workshop session. The college has valued its Summerdale location and the Summerdale Post Office is not just a logistical nicety but also a very important part of their branding. In hearing the discussion that the Summerdale Post Office may have to temporarily close or may be considering a long-term or permanent closure, they wanted to offer to the township that Central Penn College would be eager to be part of a solution to keep that facility open for the residents. He noted they are the largest business in Summerdale and have not just an affection for the community but also pretty significant financial impacts if suddenly they would have to rebrand and reprint everything they own. If there is something they could do to sponsor the Summerdale Post Office, it would be something substantial that they would be happy to do. They have more than 30,000 square feet of their campus in Summerdale and several vacant parking lots and vacant

lands that could potentially be part of a solution, and  
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perhaps the Commissioners can communicate to the residents that the college is aware of the issue and is eager to be part of a solution. They would like to meet with Post Office officials and at least understand what their intentions are so they can have clarity.

Chairman Tyson thanked Mr. Fedor and the college for their offer. He noted the board is sensitive as a township regarding the identity of the Summerdale community. The board supports the Summerdale community to be able to maintain autonomy. He noted the business/lease component is currently between the Fire Department and the Post Office. A letter was sent by the Fire Department, per their contractual agreement that each side could notify the other side in a six-month period of time that there could be a change in that lease agreement. He has talked to the president of the Fire Department indicating that the board supports the autonomy of their lease. They are awaiting a response from the U.S. Postal Service. They would like to hear their response and then will be able to determine the proper approach as to how to act as diligently, properly, and effectively as possible. Mr. Fedor stated the college does not want to jump in front of the Fire Department in any way, but would like to offer to be part of the solution. Chairman Tyson stated they look forward to a good conclusion and will keep the college in mind.

Mr. Robert Diehl and Luisa Lasso, from Friends of the Conodoguinet Greenways, addressed the board regarding their group's vision for a continuous multi-use path along the Conodoguinet. They noted there are not a lot of opportunities like that right now in Cumberland County. They have been working with East Pennsboro, Camp Hill, and Hampden Township, and also talked to Silver Spring Township, for the last two years to see what they can do. There are a lot of opportunities in East Pennsboro for some type of multi-use trail, something people can walk or bike on, ideally connected to a couple parks. Some opportunities in East Pennsboro: Center Street would be a great opportunity, connecting Ridley

Park with Wormleysburg or Ridley Park with Camp Hill.  
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The next step is to conduct a study. They have talked to the State and the county about future funding for actual construction and were told they must conduct a feasibility study for any grant funding. They have applied for two grants, one from DCNR and one from the county. Both grant applications are currently pending with those agencies. They have received estimates from various consultants for how much a study would cost and came up with a budget of \$73,000 for the feasibility study. They applied for funding from DCNR for over \$36,000. DCNR requires a one-to-one match, so in order to match the \$36,000, they also applied to the county for a land partnership grant. The maximum amount they can ask from the county is \$25,000. They are doing small fundraising through Go Fund Me and private small donations, and they are asking municipalities to contribute as well, hoping each municipality will contribute \$3,000, which can be from next year's budget. They have received commitment from Hampden Township of \$3,000 if all municipalities do the same. Next week they will be addressing the Camp Hill Public Safety Committee, which will then vote on their contribution. DCNR and the county have been asking about a local match. They emphasized if there are financial contributions from the municipalities, that will significantly increase the likelihood of the grant money being awarded.

Chairman Tyson noted the township had a study done around 2000, which the county is aware of, which may have some value, the Cumberland County Countywide Greenways Study prepared by the County Planning Commission. Ms. Lassova noted they looked at a study that was part of the DCNR and county grant applications, but she is not sure it was the same study. Ms. Lassova noted the study she reviewed actually pointed out a 3-mile long segment in East Pennsboro and used the name Conodoguinet Greenway. But from the discussions they had with Stephanie Williams from the county, and others, they cannot move their project forward without this feasibility study. She noted for this study the township will get a study worth \$70,000 for a small contribution, which is a very good

value.  
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Mr. Diehl suggested the organization reach out to Mr. John Owen to make certain they are talking about the same study because they definitely want to see everything that has been done. They are aware of an Eastern Cumberland County Trails Master Plan, which they heard about from Stephanie Williams at the county, but it does not get specific about routes. Ms. Lassoova noted this feasibility study will be more specific and they are asking the consultants to lay out exactly where the trail can be and what the next steps will be. From that, they can then apply for further grants to do construction, but first they need a feasibility study to go on to apply for further grants.

Chairman Tyson indicated there will not be a vote this evening, it will be at another meeting, but the board will discuss the matter.

#### V. ITEMS FOR DISCUSSION AND APPROVAL

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

MOTION to conditionally approve Benjamin L. Shaull, P.E., as Township Engineer, subject to salary and employment terms and start date, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve the appointment of Sara Miller, 209 Second Street, Summerdale, as a member of the Fire Police, was made by Ms. Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to approve a handicap parking space on 34th Street, Camp Hill, in front of the residence of 25 Circle Drive, per the recommendation of the Chief of Police, was made by Mr. Fidler, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

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Mr. John Owen reviewed items E and F on the agenda, which pertain to the PennDOT Highway Occupancy Permit process as part of the previously approved Summerdale land development plan. PennDOT requires a resolution from the municipality understanding they are accepting these improvements. One is for the Valley Road and First Street intersection, and the other one for the Valley Road and Rts. 11 & 15 intersection. The difference is one is existing and one is for modification of proposed signalization and stormwater. The Summerdale property is flanked by Routes 11 & 15, Valley Road, and First Street, which are all PennDOT properties, and also affects adjoining streets in the township in Summerdale for potential improvements.

Item G on the agenda is a sewage planning module as part of the Summerdale development. DEP requires a planning module to be signed by Andrew Kirkessner from the WWTP to indicate there is hydraulic capacity at the township plant. That letter has been sent to DEP. This is formal notification stated we meet the hydraulic requirements, and because of the size of the project, it requires board approval.

Mr. Quigley noted this project was large enough and the increase was large enough that it required the plan to be advertised and available for public display. That was done, and no comments were received.

MOTION to approve Resolution no. 6-2020 of the Township of East Pennsboro, Cumberland County, authorizing the execution of PennDOT form TE-160 from East Pennsboro Township for the proposed traffic signal at the Valley Road/First Street intersection and the modifications proposed to the existing signal at the Valley Road/11-15 intersection as part of the Summerdale Project, was made by Mr. Fidler, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

MOTION to approve Resolution no. 7-2020 of the Township of East Pennsboro, Cumberland County,

authorizing the execution of PennDOT form TE-160 from  
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East Pennsboro Township for the modification proposed to the existing signal at the Valley Road/11-15 intersection as part of the Summerdale Project, was made by Mr. Fidler, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

MOTION to approve Resolution no. 8-2020 of the Township of East Pennsboro, Cumberland County, for the Sewer Planning Module to meet Pennsylvania Department of Environmental Protection (PA DEP) requirements for the Summerdale Development, was made by Mr. Fidler, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

MOTION to approve the bonfire request for Central Penn College scheduled for every Wednesday from 8:00 p.m. to 9:30 p.m. from July 15 to September 16, 2020, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Mr. Pietropaoli briefed the board that Marysville Borough is requesting a letter of support for a grant they are seeking to replace a bridge on South Main Street over Fishing Creek in Perry County. Mr. Owen noted that was the only route available when they did the rock slide project, so it is important.

MOTION to authorize a letter of support to the Harrisburg Area Transportation Authority (HATS) grant funding on behalf of the Borough of Marysville for the replacement of the South Main Street bridge over Fishing Creek in Perry County, replacement of this bridge is both important for regional public safety, as well as a longstanding transportation connection between Cumberland and Perry Counties, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Mr. Erik Owen discussed with the board the problem they are experiencing with consumer fireworks. The police receive many complaints, but it is hard to enforce because they have to be caught. In May he found 20

devices out at the park that were set off. There is a  
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move at the State level to rescind the consumer portion of the Fireworks Law, which he is requesting the board to support. He noted the city of Harrisburg had two or three homes burned recently because of consumer fireworks. The police have to catch them, and then it is a civil lawsuit and they can be charged with potential arson. The tax revenue that is being collected by the State does not offset the costs municipalities have to pay fighting fires and police calls. Chief Green noted 4th of July weekend they were extremely busy with calls and did not have the resources on a busy holiday weekend to staff fireworks complaints.

MOTION to authorize the township Fire Chief and Police Chief to send a letter on behalf of the Township Commissioners in support of the local option to prohibit the use of "consumer fireworks" of SB 932, with an amendment, or rescind the "consumer" portion of the Fireworks Law, Act 43 of 2017, was made by Mr. Fidler, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to accept the bid tabulation for the 2020 roadway improvement projects for Poplar Church Road from C.S. Davidson, Incorporated, was made by Mr. Fidler, seconded by Mr. Skip Magaro, and was carried by a unanimous aye vote.

MOTION to award the 2020 roadway improvement projects to Kinsley Construction, Incorporated, in the amount of \$416,100.00, pending review by C.S. Davidson for complete package of the bid, was made by Mr. Magaro, seconded by Mr. Fidler, and was carried by a unanimous aye vote.

Mr. Pietropaoli noted he will schedule a meeting with Kinsley to start the project, which will last roughly until the second week of October.

Mr. Quigley reviewed with the board the request from the school district to remove two temporary structures that became permanent, trailers on the back of the

administration office. From the township's perspective  
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they pose a problem because they are not accessible and are a fire hazard. The district is proposing an improvement to the building whereby they would remove them and make a small addition to the district office that would include accessible bathrooms, which the building is currently lacking. Part of the project will also include a reduction in the impervious cover of that area. They are adding restrooms that will serve double duty of providing ADA compliance within the building itself, as well as provide restrooms for the athletic field that is being modified right now to synthetic turf, which will be able to be used after hours. The other part of the addition will provide additional office space. They are reducing the overall impervious coverage by removing the existing modulars.

MOTION to approve the request from the school district to remove two temporary structures, modular trailers, on the back of the administration office, and construct a small addition to the district office which will include accessible bathrooms, reducing the overall impervious coverage by removing the existing modulars, was made by Mr. Skip Magaro, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

#### VI. OLD BUSINESS

The board reviewed the problem with multiple addresses in the township. Mr. Owen noted as discussed last month, certain areas of the township have duplicate addresses, with deeds that have been recorded. After the 1998 merger with West Fairview, addresses in Enola and Summerdale have conflicts.

Mr. Quigley stated technology cannot solve some of these problems because the addresses are not recognized by county dispatch and the problem is getting worse. On College Hill Road there are four individual 17 College Hill Road which are somewhat close, but that does not help in an emergency. Additionally, they are out of addresses on College Hill Road, while new houses are

being built.  
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Township staff suggested sending letters to residents of College Hill Road noting the change of the private lane to McBride Lane, and then re-address those several properties off of McBride Lane. It will be a minor inconvenience for folks, as they will have to change their driver's license and re-record their deeds, but those are things that need to happen for the overall well-being not only of them but the entire community. The county indicated that the township has to order these addresses to be changed. Some of them are minor, Valley Road and Valley Street that are interspersed throughout. They will come up with suggestions for board approval.

Chairman Tyson noted the township needs to do this. He asked as part of education to identify everything that will be affected, such as driver's licenses, deeds, et cetera. Residents may need help with how to change their deeds. Mr. Quigley stated they have compiled a fairly comprehensive list of problem addresses they will share with the board, but the only one that is truly pressing because houses are currently under construction is near College Hill Road. The rest can be part of a larger, more comprehensive plan. Mr. Quigley stated he would like to send letters to the addresses on College Hill Road tomorrow.

Ms. Coyne asked if a new deed is required since the parcel number remains the same. Mr. Quigley stated they were unclear on that. Ms. Coyne suggested she contact Mr. Dave Getz, Solicitor for the Recorder of Deeds, as well as Tammy Shear, Recorder of Deeds, to find out what is necessary if only the addresses are being changed, not ownership. Mr. Tyson stated he would like to make as minimal an impact as possible for the residents.

## VII. NEW BUSINESS

Mr. Pietropaoli presented a letter from Northeast Fire and Rescue to the board thanking the township for continued assistance and support of Northeast Fire and Rescue Company.

Mr. Pietropaoli noted the Recreation Board canceled Pumpkin Fest for October of this year, hopefully to be held again in 2021. Everyone has been notified.

Mr. Gelb stated there was a question at the Recreation Board about a hybrid Pumpkin Fest, or perhaps the car show down in the field and maybe some food trucks, like Wheel Food Wednesday, maybe combine the two but not Pumpkin Fest related. Mr. Skip Magaro stated the Pumpkin Fest was cancelled because of COVID, and the township does not want to be responsible for spreading COVID by any means, so he was against any other show or festival in order to keep the community safe and not put people in danger. Mr. Gelb noted there is still Wheel Food Wednesday and the farmer's market in the township, and the car show does not get as many attendees in general.

Mr. Pietropaoli indicated in-house discussions were that nothing should be scheduled for that weekend so that people would not drive by and see an event and assume it was Pumpkin Fest and stop in. He noted if the Friends group would like to do another weekend or evening, there is a car club right now that wants to do a car show, staff does not have a problem with that if they do it in an evening. The farmer's market and Wheel Food Wednesday provide the insurability for those two events. They have to set up the rules, do the COVID separations. If the Friends group would want to do something on another weekend or evening this fall, they can come in with an idea of how they would meet the regulation. But he suggested they stay away from that weekend because the public will not realize that it is not Pumpkin Fest.

Chairman Tyson noted if a car show is permitted, how do they tell another group that wants to do something that they cannot. He believes in canceling everything this year and looking forward to a 2021 Pumpkin Fest.

Mr. Gelb discussed a possible zoning amendment for zoning districts to provide for emergency services uses, such as an ambulance building or a fire related building

in zoned areas. The language would allow for an  
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emergency services building in areas that may best serve the community, such as if a few homes in Summerdale get bought and knocked down, it could be a new site for a fire station or ambulance or police substation, that it be allowed in a residential area because it is the best area in the opinion of public safety.

Mr. Owen noted a number of years ago the township worked with an attorney for the ambulance association when they entered into a contract with Dr. Trask as equitable owners to the J.L. Woods property. Attorney Coyne was involved with the development of an ordinance. An amendment to the ordinance was passed to allow ambulance services, which are not municipal services, to be allowed in the Commercial Limited District in East Pennsboro Township. Municipal services such as police and fire are allowed in any municipal zoning district as far as municipal uses. With fire, in their current state as independent companies, currently they are not one department and they own their property separately. Dearan Quigley, Bill Baker, Erik Owen, and Terry Watts have been working on amendments for fire stations to be allowed as separate stations in every zoning district. Summerdale is in an R-1 zoning district and they would be able to build and come close to the property line, based on the existing ordinance. They have had several meetings with the presidents of the fire companies to gain their input.

Mr. Quigley noted the ordinance cannot be limited to an East Pennsboro ambulance company, any ambulance company would be fair game, which means you could have 15 ambulance companies in residential neighborhoods. You cannot limit it. The working group will report back to the board with their recommendations.

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.

(Whereupon, Executive Session for personnel matters with no formal action taken was held immediately after

adjournment.)