

EAST PENNSBORO TOWNSHIP
BOARD OF COMMISSIONERS
JULY 6, 2016

Regular Meeting

7:30 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, July 6, 2016, at 7:30 p.m. at Northeast Fire & Rescue, Summerdale, Pennsylvania.

Those present were: Commissioners - John Kuntzelman, President; Paul Hartman, Vice President; Kristy Magaro, Charles Gelb, and George Tyson; John Pietropaoli, Township Manager; Lisa M. Coyne, Esquire, Township Solicitor; John B. Owen, Codes Enforcement Officer; Dearan Quigley, Housing & Community Development, Jared Hockenberry, Township Engineer; Mike Dobson and Andy Kirkessner, WWTP; Lieutenant Mark Green, Police Department; and Erik Owen, Fire Marshal.

I. CALL TO ORDER

President Kuntzelman called the meeting to order at 7:30 p.m. A moment of silence was observed, followed by the Pledge of Allegiance to the Flag.

II. APPROVAL OF MINUTES

MOTION approving the minutes of the following itemized minutes:

1. Regular Meeting - June 1, 2016
2. Special Meeting - June 13, 2016

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

III. APPROVAL OF REPORTS

MOTION approving the Police Report for May 2016 was made by Mr. Hartman, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

IV. BUSINESS FROM THE FLOOR

Mr. Richard Varnecky, Central Penn College, announced that it has come to the college's attention that some residents have concerns about potential initiatives of the college, so the college is holding a town hall meeting next Wednesday evening at 7 o'clock at the Capital Blue Cross Theater, and they would like to hear from all the residents about their concerns. They are currently developing a master plan for the college in conjunction with the Township Comprehensive Plan, and would like to hear from township residents to take their concerns into consideration while developing their plan.

Mr. David Bennett, 859 Acri Road, addressed the board on several issues. His first concern was sidewalks in disrepair. He has trouble walking on broken, cracked sidewalks and those in terrible disrepair. He understands it is a homeowner's responsibility to maintain the sidewalk, but noted the township has to remind residents to take care of their sidewalks. Mr. Pietropaoli stated it is a point that has been discussed recently in the township. Lower Allen just went through notification of residents whose sidewalks were in disrepair. The township has the right to notify property owners and give them a timeframe to have repairs done. If not, they can have a contractor do it and lien the property. He noted East Pennsboro's problems are larger than Lower Allen's. It is one of the topics that was discussed recently that come this fall, Housing & Community Development plans to break it down by rental districts and enforcing sidewalks in smaller areas instead of doing it throughout the overall township.

Mr. Bennett suggested along with sidewalk repair, to include ADA compliance curbing. Mr. Pietropaoli stated they just attended a seminar on that at PennDOT. Mr. Bennett further noted a lot of the drains are right at the curbs, which will have to be fixed at the same time. Mr. Hockenberry noted these are great observations, and the fact that most of the town was built before the ADA was law is why there are not a lot of ramps. The law has changed over the course of 25 years on how a municipality is

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supposed to implement it, but normally it takes a triggering event such as road or sidewalk reconstruction, and at that point whoever is doing that work has to bring the ramps into compliance at that time. Mr. Bennett noted Hampden Township just did all the ones on Orr's Bridge Road, which Mr. Hockenberry suggested was done ahead of a paving project, for which they secured a large bond to do the paving and ramp enhancements, but the paving project triggered the need for the ramp enhancements. Mr. Owen noted the township has to identify the areas of greatest need and find funding for that, quite possibly through a bond.

Mr. Bennett further discussed cars illegally parking on sidewalks, and cars parked the wrong way on township streets. Mr. Pietropaoli noted parking on the sidewalk can be enforced by calling the police. Mr. Bennett provided an address.

Mr. Bennett complimented the township on the excellent article in the recent township newsletter on trimming tree branches covering sidewalks. He asked if another resident can cut branches or whether the Community Service Officer has to inform a resident to cut their branches. Mr. Owen noted the Community Service Officer tells residents to cut their branches. Mr. Bennett provided an address.

Mr. Bennett also complained about roaming cats in the township. Lieutenant Green said they are working on the problem. Mr. Pietropaoli stated they are reviewing draft ordinances from other townships regarding cats. The animal control officer wanted the Police Department to come up with an ordinance. Mr. Bennett noted there are feral cats off Acri Road that have produced offspring, and asked if the ordinance will cover feral cats. Mr. Pietropaoli stated feral cats would go to a third-party contractor which the township will have to contract. He will provide a copy of the ordinance to Mr. Bennett for his comments.

Mr. Bennett complimented the crew who mow the township parks for the great job they do at the Acri Road and

Laurel Hills parks. President Kuntzelman thanked him for the compliment and will pass it along.

Mr. Vince Petroziello, 7 Southmont Drive, addressed the board regarding Act 16 signed this year by Governor Wolf, which is the medical marijuana bill. He is a member of a group of professionals who are looking to obtain a license, and if they do, they would like to work with the township to see if that would be something the township would entertain, and to help them with law enforcement to make sure their building and their patients are safe. President Kuntzelman stated it is something the board will have to review. Mr. Petroziello noted they are months away from even filing an application, but they have hired a legal team. They are a group of professionals - four pharmacists, he is a finance guy, they have a logistics partner, and a second-generation businessman. Mr. Pietropaoli noted Mr. John Owens, Codes Enforcement Officer, will have to figure out how it fits in zoning. He asked Mr. Petroziello to pass along any information he receives.

Mr. Owen noted the State has to develop a list of licenses for the growing and dispensing facilities, and they are still working through that process. This is a new issue in land use and zoning, such as where the facilities can be sited, how they will be regulated, how far from churches and schools, et cetera. Mr. Petroziello noted if they should obtain a license and they get the township's approval, they will work very closely with the East Pennsboro Police Department and take any advice they may give in terms of keeping the area and their facility safe.

Ms. Jane Farringer, Summerdale, asked about the status of the street cleaner. Mr. Pietropaoli noted the township has a street cleaner that seems to be in the shop more than it is working. Mr. Hockenberry stated it is working now and was just cleaning Pine Hill Road. As soon as it was put back on the road, they restarted the cycle.

Ms. Farringer also complained about trash pick-up, the haulers are turning the containers upside-down with trash

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still in it that she has to later pick up. Mr. Pietropaoli asked her to call the township office when that happens and they will call the hauler. They have a pickup truck that follows the trash truck to pick up what falls out or to respond to neighbor complaints.

Ms. Farringer further inquired about the law regarding a car that is parked on someone's property that is not inspected. Mr. Owen noted they are currently researching that with the Township Solicitor, as a recent court case said that unlicensed, uninspected vehicles are not a nuisance per se and cannot be regulated in that fashion. They have to be in a major state of disrepair and assembly. So they are reviewing ways to control that. The township's previous property maintenance ordinance for uninspected, unlicensed motor vehicles did not allow them to be uninspected or unlicensed or in a state of disrepair.

Ms. Farringer asked if rodents coming out of the car would be covered by property maintenance. Mr. Owen stated they have a complaint form that can be filled out, but the police or Housing & Community Development would have to visually see that.

Mr. Hartman noted the street sweeper is more than 10 years old and is something the board should consider possibly replacing. Mr. Pietropaoli noted repairs are about \$300. They switched repair shops and are now taking it to York for repairs. He will as staff to get updated price for replacement.

Ms. Tammy Nicaise, 148 South Enola Drive, addressed the board about unsafe drivers on North Street as well as South Enola Drive. Cars come up from Rts. 11 & 15 around Tavern on the Hill but go straight around that bend. Mr. Pietropaoli noted there is enough of a shoulder there that maybe speed signs could be installed.

Ms. Denise George, 150 South Enola Drive, asked about the permit parking on Columbia Avenue, and whether something similar would be feasible for South Enola Drive. Mr. Pietropaoli noted that was attempted before and there

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is not enough parking for the residents. He noted the permit parking on Columbia will soon be going away, as it was instituted because of the bar along Rts. 11 & 15 that is no longer there, where residents could not find parking places when they came home. He noted the residents of South Enola Drive can always make a request for permit parking again, but it is difficult to do permit parking with the amount of spaces that they are required to provide.

Ms. Sandy Rhoads, 311 Forth Street, Summerdale, addressed the board indicating a drain is needed at Fourth and Wayne Streets. During hard rains, the water lays in front of her neighbor's house, which can become a breeding ground for mosquitoes. Mr. Hockenberry will review the area.

Ms. Rhoads further noted there is a house further up the street in disrepair, and one down around the new barber shop that seems to be starting to be a junk yard. President Kuntzelman asked Housing & Community Development to look into the properties.

Ms. Christi Kitner, 422 Lafayette Street, referenced Mr. Bennett's earlier discussion about stray cats. She has previously had to call the animal control officer knowing that there were stray feral cats running around on Lafayette Street. She was told the animal control officer was part-time and did not help to catch feral cats. President Kuntzelman stated the animal control officer also works in the Police Department as a clerk. When it comes to feral cats, until the new ordinance is adopted, the township's hands are tied, as are many other townships. The new ordinance will bring in an outside outfit to spay and neuter the cats and release them again.

Mr. Pietropaoli noted the State of Pennsylvania currently has a Dog Law, but no law for cats. Some municipalities have gone above and beyond to have their own ordinance. The proposed ordinance will put the people at risk who are feeding and taking care of the feral cats. Lieutenant Green stated they currently have to take an

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animal to the Humane Society, and the township was charged \$18,000 for the one year they tracked cats. Mr. Bennett noted it is against the law to catch a cat and release it someplace else, called catch and transport.

Mr. John Murphy, Alpha Construction, asked the board if they would set the same meeting date for both the text amendments.

Mr. William Brougher, 642 Mountain Road, addressed the board regarding the Emergency Services Carnival. He noted Dylan Owen and Zach Brougher did a fabulous job organizing this year's carnival. They made roughly \$140,000 gross from rides, food, and other activities, \$74,000 for just the rides alone, with a split of 25/75. Out of that \$74,000, they will get roughly \$18,500, and roughly \$56,000 will go to the ride vendor. Games brought in another \$3,000 for emergency services. He noted Tuesday and Wednesday were great nights, they were up \$10,000. Thursday had a good start and then it rained. The crowds mostly stayed on Friday, and Saturday was the best night. Last year organizations got \$6,000 and there was some money still left for this year's planning. There were six organizations last year, and five this year because of a merger. East Pennsboro Ambulance, East Pennsboro Fire Police, Creekside, Enola No. 3, and Northeast Fire & Rescue will be the five-way split.

He thanked the Commissioners on behalf of the carnival committee for their cooperation. They will have their recap meeting August 18 at 7:00 p.m. at West Enola Fire Company to see what can be done better next year. President Kuntzelman thanked the carnival committee for the way they left the fields.

Mr. Les Hilbish, 305 Valley Road, addressed the board about a water drainage problem. He has lived at this address for 51 years. On the right side of Valley Road is a drain, on the left side there is nothing. Runoff runs in the road and backs in the drain onto my property. He had somebody from the township fixed it in the past. It is

halfway down his yard. When it rains, a couple hundred gallons of water goes down through there, and he would like to have it fixed. It needs to be extended out to Third Street. President Kuntzelman asked staff to look at it.

Mr. Cal Heinl, 109 Miller Street, Summerdale, spoke to the board about his rental property on Roosevelt Street in Enola. President Kuntzelman asked if anyone from the township came out. Mr. Heinl stated he has not seen anybody, but he does not live there. There is a township drain that is completely blocked which carries the drainage from Enola Drive to Roosevelt Street, and the alley behind Sullivan Funeral Home is in horrendous shape.

Mr. Pietropaoli noted it was clogged about 12 years ago and they had to send in a truck to clean up the pipe and clean out the ditch. Mr. Heinl stated there is an open ditch from the alley that was put in before easements. There is also a tremendous drainage problem in the alley that ponds. He noted it is going to take some engineering work and an inlet to remove the water and dump it into the drainage ditch. Mr. Pietropaoli will have staff take a look at it.

V. ITEMS FOR DISCUSSION AND APPROVAL

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

MOTION to direct the Township Solicitor to draft and advertise for possible enactment of an ordinance amending the Township Zoning Ordinance so that the O-A Office/ Apartment Zoning District's permitted uses and conditional uses are amended as stated in application for zoning text amendment submitted by J.C. Bar Development, LLC, was made by Mr. Tyson, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to direct the Township Solicitor to advertise for a Special Meeting on July 18, 2016, at 6:00 p.m. at the

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East Pennsboro Township Municipal Community Center, 98 South Enola Drive, Enola, for purposes of possible action regarding zoning amendments and any other action that might come before the board, was made by Mr. Tyson, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to direct the Solicitor to draft and advertise an ordinance for possible enactment of an ordinance amending zoning requirements for off-street parking for Independent Living Dwelling Units, Congregate Care Residence (assisted living), and Nursing/Convalescence Home Care Facilities in a Continuing Care Retirement Community, as stated in application for zoning text amendment submitted by 199 Associates, was made by Mr. Tyson, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

The board reviewed the final minor subdivision plan for the Camp Hill Shopping Center. Mr. David Tsudy represented Cedar Realty Trust, owner of the Camp Hill Shopping Center. They are interested in subdividing a small piece of the shopping center to allow for Orthopedics Institute of Pennsylvania to own its own building and adjacent parking area. The southern portion of the Camp Hill Shopping Center, mainly a parking area just outside of Boscov's, is in East Pennsboro Township. The subdivision they contemplate has no effect for East Pennsboro Township. The jurisdiction to approve this plan is with Camp Hill Borough; however, they would like to have East Pennsboro Township's formal action approved that waives and cedes any jurisdiction it may have over the subdivision plan to Camp Hill Borough.

MOTION to approve the Final Minor Subdivision Plan for Camp Hill Shopping Center waiver requirements to go through the land development process for East Pennsboro Township, was made by Mr. Gelb, seconded by Mr. Hartman, and was carried by a unanimous aye vote.

The board reviewed the preliminary/final land development plan for Panther Valley Apartments. Mr. Tim Diehl from Dawood Engineering, representing the plan, noted

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the 100.67-acre property to develop is by the high school, north of Lafayette Street, near Humer Street. The property is in the Residential High Density (RHD) Zone, which is the appropriate zoning for the eight apartment units in two separate buildings they propose. Mr. Diehl noted they meet all the ordinances as far as zoning and density. Access for the development will be off of Lafayette Street. Emergency access has been designed to the site via that route. Additional improvements will be widening Humer Street to the eastern side and Lafayette Street to the northern side. They are requesting a waiver for full widening to match the existing cross-section of Lafayette Street all the way to Givler Street.

They went through two Planning Commission meetings and responded to comments made by the commission as well as residents. They added additional on-site parking spaces and extended underground stormwater management. They added self-dimming lighting fixtures on the lighting plan, and are providing evergreen trees along the frontage of Lafayette Street at the request of some neighbors.

With respect to stormwater management, they propose three on-site rain gardens, which will handle the bulk of impervious coverage, and the widening areas at the throat of the driveway will be undetained, but everything else will go through the rain garden facility. Larger portions will go into a subsurface detention facility or existing pipe area underneath Lafayette Street.

Ms. Coyne asked about the maintenance agreement for the rain gardens. Mr. Diehl stated these will be apartment buildings so there will be one owner. They submitted an O&M agreement for the Township Engineer's review. They are also proposing a landscape buffer along the eastern side of the property from the existing residential uses.

One of waivers they request is in regards to widening on Lafayette Street, they are looking to maintain the existing utility pole by jogging the sidewalk and need a waiver to allow the sidewalk to leave the right-of-way. They will provide pedestrian easement for that facility.

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The other waiver requested is for submitting a preliminary plan.

Mr. Gelb asked if there were any concerns discussed by residents at the Planning Commission meeting that the development is not able to accommodate. Mr. Diehl noted requests about downstream drainage is out of their realm. Mr. Owen noted from a zoning perspective, they meet and comply with those regulations. The Township Engineer reviewed the stormwater and engineering portions.

Mr. Owen further noted the Planning Commission recommended approval for the board this evening, and recommended approval of the waivers.

Ms. Christi Kitner, 422 Lafayette Street, stated she and her neighbors have been to the Planning Commission meetings and noted there were other concerns that have not been discussed this evening. Parking was one of the major concerns on Lafayette Street, and they are glad that the developer was able to add more parking, but she does not believe it is enough. She noted Lafayette Street is a small street, very crowded, and on Lafayette, Humer, and Givler Streets the way the houses are garaged, vehicles cannot park in front of people's garages. The neighbors have concerns that if anyone visits, there is no parking on the street. For eight apartments, there could potentially be more than 16 cars.

Ms. Margaret Wenrich, 437 Lafayette Street, noted for the record several residents on Lafayette Street who attended the Planning Commission meetings appreciate everything that was taken into consideration, but she would like the Commissioners to note in their minutes that she for one who lives on the corner of Humer and Lafayette Streets is not in agreement with the project. She understands it is legal and meets codes, but she would prefer that they put in townhomes that are for sale rather than rental properties. She thanked the board and the developers for their time in listening to the residents and what they have done to help the residents during this stage.

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MOTION to approve preliminary/final land development plan for Panther Valley Apartments, waivers requested for Section 22-306 preliminary plan, Section 22-506.3.C street paving widening, Section 22-507.A sidewalks with the right-of-way, as well as establishment of a letter of credit and recording of Operation and Maintenance Agreement for stormwater management, was made by Mr. Tyson, seconded by Mr. Hartman, and was carried by a unanimous aye vote.

The board then considered the preliminary/final lot consolidation plan for Central Penn College lands. Mr. Tim Przybylowski, of Century Engineering, represented Central Penn College. The plan under consideration is a consolidation of 12 individual tracts of land owned by Central Penn College to form one campus deed comprised of 5 tracts. The colors on the plan depict the four different zoning districts that the college lands currently reside in. At the start the consolidated lands represent approximately 26 acres on the current deed descriptions. During the course of discussions with township staff, it was thought that this would be the correct opportunity to look at the width of rights-of-way on the roads to see that they match the current classification on those roads, and all of the areas denoted in red bars would be primarily along Valley, and on A Street there is an offer of dedication of approximately 2 acres to reach the desired width of rights-of-way, which would become very useful as the township considers certain implementation projects from the Regional Connections Grant that the township is concluding, but also makes those rights-of-way for public use in the future.

This plan provides for the removal of interior lot lines only. There is no construction proposed as part of the plan, and there is a nonbuilding declaration associated with it. Currently, the campus consolidated lands represent approximately 54 acres.

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A waiver for submission of a preliminary plan is requested. All comments of the Planning Commission have been addressed. Upon approval of the plan, the college has authorized Mr. Przybylowski to perform all of the necessary corner monumentation in forms of markers and monuments prior to recording of the plan in lieu of financial security.

Mr. Gelb stated he has heard a lot of negative things of what could go there, but noted the board cannot legally turn down this request because it meets all the zoning requirements. Mr. Tyson stated he appreciates the concerns and has asked himself how maintaining status quo improves existing problems, and suggested the township needs proper long-term planning. The board has no idea what the college is planning to do with the land, but there are obvious things that they need to be given the opportunity for future consideration. He further noted there is really no good way to cross Valley Road for a large population of people on that side of the road, and at some point in time if that would be in their plan, there would need to be a significantly better way to cross either above or below, which would be a benefit to the entire area, not just the college. The width of Valley Road from where their science building is out to Summerdale proper is an area that would benefit from improvements not just for the college but for the whole community. He would like to give the college that opportunity, as they have been a member of the community for a long time.

MOTION to approve the preliminary/final lot consolidation plan for Central Penn College lands, as presented by Century Engineering, approving the waiver requested for Section 22-306 preliminary plan, was made by Mr. Hartman, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve the purchase of a three-vehicle fleet package for the Housing & Community Development Department from Whitmoyer Auto Group, Mount Joy, Pennsylvania, as part of COSTARS 025-162, and budgeted in

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the approved 2016 General Fund budget, (one Ford F-150 and two Ford Escapes), was made by Mr. Hartman, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to approve the four-year financing agreement with Santander Bank, N.A., for the Housing & Community Development vehicle fleet upgrade as budgeted in the approved 2016 Housing & Community Development budget, was made by Mr. Hartman, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to accept the sanitary sewer easement from Nevin L. Keckler II, executor of the estate of Nevin L. Keckler, as described in Cumberland County deed book 18-D, page 497, parcel 09-11-3006-005, was made by Mr. Gelb, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to direct the Township Solicitor to prepare and advertise the Emergency Management Ordinance as distributed on June 17, 2016, was made by Mr. Gelb, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to reaffirm support for Resolution no. 2015-10 requesting a Greenways, Trails and Recreation Program (GTRP) grant from the Commonwealth Financing Authority to be used for the renovations of the East Pennsboro Area School District indoor pool, application submitted June 30, 2016, for 2016/17 GTRP round of GTRP grants, was made by Ms. Magaro, seconded by Mr. Hartman, and was carried by a unanimous aye vote.

MOTION to approve Resolution 2016-09 creating the East Pennsboro Township Fire Rescue Advisory Committee, was made by Mr. Gelb, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

Mr. Pietropaoli noted for the minutes that Magisterial District Justice Dougherty administered the following oaths of office outside of the public meeting: Dearan A. Quigley, Assistant Director of Housing & Community

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Development; Jared Hockenberry, Township Engineer/Public Works Director; Bill Baker, Rental/Property Maintenance Inspector; Erik Owen, Fire Administrator; and Deb Lupold, Tax Collector.

Mr. Pietropaoli requested the board meet in Executive Session for personnel and possible litigation purposes following adjournment of the meeting.

MOTION to adjourn the meeting at 8:56 p.m., was made by Mr. Hartman, seconded by Mr. Tyson stated, and was carried by a unanimous aye vote.

(Whereupon, Executive Session for personnel matters and to seek legal advice was held immediately after adjournment.)