

EAST PENNSBORO TOWNSHIP  
BOARD OF COMMISSIONERS  
FEBRUARY 1, 2017

Regular Meeting

7:00 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, February 1, 2017, at 7:00 p.m. at the Community and Municipal Center, 98 S. Enola Drive, Enola, Pennsylvania.

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

I. CALL TO ORDER

A moment of silent meditation was held in memory of former Commissioner Dolores McAlister, Suzette Fought, the township's billing clerk for sanitation and sewer, DeAnna Fries, formerly with the school district, and Jason Gossard, a local youth softball coach, who passed away recently, followed by the Pledge of Allegiance to the Flag.

President Kuntzelman asked everyone to include in their thoughts and prayers all the volunteer firefighters, fire police, EMS, and police who provide valuable service to the township, that they come home safe to their families after each call.

II. APPROVAL OF MINUTES

MOTION approving the following itemized minutes:

1. January 4, 2017
2. January 18, 2017

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

### III. APPROVAL OF REPORTS

MOTION approving the following itemized reports:

1. Police Report - December 2016
2. All Permit Summary Report - January 2017

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

### IV. PRESENTATIONS

President Kuntzelman and Commissioner Tyson handed out service awards for East Pennsboro Township Fire Department members. Merit Awards for individuals initiating basic CPR and AED techniques resulting in a clinical save of a patient at Summerdale Plaza before the arrival of an ambulance on January 14, 2016, were presented to Assistant Chief Dexter Owen, Public Information Officer John Breutsch, Assistant Chief Joshua Matter, Lieutenant Stephen Stilo, Sr., Lieutenant Bruce Cutter, and Firefighter Paul Vincent.

Distinguished Service Awards for the January 14, 2016, clinical save of a patient at Summerdale Plaza were awarded to Assistant Chief Steven Laman, Captain Charles McMillen III, Firefighter Brian Germann, to the widow of Firefighter James Bryington, Firefighter Dale Davis, Firefighter William Brougher, Sr., Firefighter Zachary Brougher, Firefighter Dylan Owen, Firefighter Brenden Letterman, Firefighter Brian Miller, Junior Firefighter Sarah Miller, and Junior Firefighter Michael Meadath.

Firefighter Derek Jordan was awarded a Heroism Award for extracting the resident who was caught in the burning apartment at 313 Shady Lane on March 26, 2016, then turned the patient over to EMS after providing her oxygen from his mask.

Unit Citations for firefighters who responded to the apartment fire on March 26, 2016 were awarded to Captain Stephen Stilo, Jr., Lieutenant Stephen Stilo, Sr.,

Board of Commissioners  
February 1, 2017  
Page 3

Firefighter Dylan Owen, Firefighter Charles Snavely Jr.,  
Firefighter Zachary Brougher, and Firefighter William  
Brougher, Sr.

Distinguished Service Awards for assisting with  
occupant removal, which was blocked by an active fire,  
while questioning other complex residents if a resident was  
still inside an adjacent apartment and relaying that  
information to the Fire Department, were presented to  
Sergeant Denelle Owen, Patrolman Robert Ressler, and  
Patrolman Matthew Roberts.

A Citizen Commendation was awarded to Marie B. Nguyen,  
of Carlisle, who helped to extinguish a car fire next to a  
house on December 4, 2016, which she saw while she was  
driving on Wertzville Road.

A plaque in recognition of 28 years of service as a  
firefighter and chief was presented to Bobby Rudeck.

A plaque in recognition of 15 years of service as  
president of the Firemen's Relief Association was presented  
to John Klinepeter.

Mr. James Horner, President of the Cumberland County  
Volunteer Firefighters Association, presented an award to  
Firefighter Derek Jordan for his heroic duties on March 26,  
2016, as fire companies were dispatched to the call of an  
apartment building fire with reports of entrapment. Derek  
Jordan entered the building to do a primary search and came  
in contact with the female tenant who was combative and  
inhaling a lot of smoke. He provided his face piece to the  
patient, guiding the victim through the smoke and  
heat-filled hallway. The victim was transferred to an  
awaiting EMS crew and then to the hospital, where she was  
treated and released. Due to his quick, calm thinking and  
firefighting skills, he was able to prevent the victim from  
more severe injuries or possible death and put himself  
second behind her well-being.

Mr. Horner noted every year the association gives  
several awards for those who are nominated by their fire

departments. The letter of nomination for Derek Jordan was made on behalf of Northeast Fire and Rescue, Company 20, submitted by Assistant Fire Chief Joshua Matter, and verified by Fire Administrator Erik Owen.

President Kuntzelman presented a Distinguished Service Award to Fire Administrator Erik Owen, for 20 years of service as chief of different levels at Summerdale and Northeast Fire Companies, and for his leadership in promoting the proper training for the township's firefighters to be able to be successful at their job, and for operating as a team member in responding to the apartment fire at 313 West Shady Lane, Enola, on March 26, 2016.

President Kuntzelman, on behalf of the board, expressed the board's appreciation for the important service the township's Fire Department, Fire Police, EMS, and Police Department do for the citizens of the township.

Mr. Nathan Troutman and Mr. Robert Gill, on behalf of Keystone Insurance Group - Deibler, Straub, & Troutman, provided a presentation to the board regarding potential savings the township could have by changing its insurance agent or broker, while maintaining its current carrier.

Mr. Gill noted Deibler, Straub & Troutman are one of the founding partners of the Keystone Agency Network, which has specialized in municipal insurance since 1986. They represent municipalities in Cumberland, Dauphin, and Northumberland Counties. Keystone is part of an exclusive dividend program which they offer through EMC, the township's current insurance carrier. The township has been with EMC for five or six years, through Gunn-Mowery as its agent. If it had a Keystone agent for those years, the township would have received a dividend in the neighborhood of \$30,000 to \$40,000 that could go back to the General Fund.

Mr. Troutman explained the dividend is based on a three-year average. A municipality can select its broker without changing its insurance carrier or insurance

coverage, and the premiums would remain the same. The Keystone dividend program is a very specialized program which the rest of the insurance world does not provide. The township currently has with EMC coverage for property insurance, general liability insurance, crime policy, inland marine covering equipment, auto policy for the fleets, umbrella coverage, and then specialized things such as law enforcement, cyber solutions, which includes errors and omissions policies - everything but workers' comp.

Mr. Pietropaoli noted the township is 60 days from insurance renewal. Mr. Gelb asked if there was anything that makes Keystone different from EMC other than the dividends, and questioned why EMC would not provide dividends. Mr. Troutman explained that Keystone is a collection of agencies that work together and were able to leverage its size to negotiate with EMC to provide an exclusive program that builds a dividend into it as an incentive to attract people. EMC cannot offer the dividends unless they join Keystone.

Mr. Pietropaoli noted he was not aware of dividend awards in insurance other than in the healthcare benefits field. Over the past 25 years the township has only had two companies, and very few companies bid on municipal policies.

It was the consensus of the board that insurance coverage and premiums remaining the same while having the opportunity to receive a dividend at the end of the year was fiscally prudent for the township. Ms. Coyne noted with the EMC policies in place now, there are some claims and litigation, which will stay the same, as legal representation is made by EMC, not the broker.

#### V. BUSINESS FROM THE FLOOR

Mr. Jack Seefeldt, president of the Locust Ridge Homeowners Association, asked for the Township's help with drawing funds from the developer's letter of credit to pave their streets so they can be dedicated to the township, and taking another look at the need for a retaining wall behind

Board of Commissioners

February 1, 2017

Page 6

the units built by Classic Communities. Locust Ridge has been abandoned by its developers twice, once when Jorrick Construction declared bankruptcy, and again last spring when its successor, Classic Communities, declared bankruptcy, which leaves the residents after eight years with their community still unfinished, an unintended construction lot for the final eight units, the streets still with base layer of asphalt and not yet dedicated to the township, stormwater system only partially installed, an unintended lot where a parking lot is supposed to go, and no FHA approval until all these things are done. They also have six units built by Classic that lack a permanent certificate of occupancy due to their being built further back from the street than the plan called for, causing the township to call for a retaining wall for the slope in back. Mr. Seefeldt does not believe any of the owners of these units was properly informed about the circumstances before buying, as he and his wife were not.

He noted with Classic in bankruptcy, there is no recourse except to satisfy the township's requirements, something that places a significant unanticipated financial burden on the owners if they have to fund the construction of the wall themselves. They would greatly appreciate the township's support as they struggle with these problems, and he noted they are especially grateful for the help they have received from John Owen and Jared Hockenberry, who met with their board members and worked with their attorney. He submitted letters dated November 29, 2016, and January 30, 2017, from their attorney, Robert Walker, to the Township Solicitor. He also asked that the township review the requirements for addressing fault and citing for the units built by Classic to see if there might be some relief from the requirement to build a retaining wall.

Ms. Coyne confirmed that Classic Communities is in bankruptcy, which is more difficult to deal with than if it were not. Prior to them filing bankruptcy, the township tried to get their cooperation to conclude the project. In bankruptcy there are special steps that have to be abided by, and the township is not sanctioned for moving against a

debtor's assets or letters of credit for that, and the board can authorize the Township Solicitor to initiate the process of resolving the unfinished lots.

President Kuntzelman asked about the retaining wall. Mr. Owen noted that was a recommendation made by a third-party engineer the township had based upon soil conditions and how the units were constructed, which was given a number of years ago. The township gave it to Classic and it was noted on temporary certificates of occupancy that went to Classic. The township identified the issue early on and worked with them. Classic did file for a permit, but then it stopped construction. So there is a permit for the wall, but no construction ever took place. He noted the township can have another entity review the site.

Mr. Pietropaoli suggested the board move forward with the Solicitor's process of resolving the unfinished lots and he will provide an update at a future meeting and maybe more information from the potential buyer of the outstanding lots.

Mr. Duane Nieves, Holy Spirit EMS, the paramedic service provider for the township, commended the board for the service awards presented tonight. He noted that across Cumberland County, the State, and nationally, only 5 percent of people who are in cardiac arrest outside of a hospital survive, approximately 1 in 20, and all the resources the township has provided to its emergency services in training and equipment is immeasurable and invaluable to the survivor and their family and friends. He further noted quick onset of emergency services is important, but not as successful without early CPR. He commended the board for recognizing their dedicated volunteers, and that 1-in-20 save speaks highly of a very successful fire personnel.

Ms. Kim Peters, 100 Ashford Drive, Enola, addressed the board concerning the property behind her at 98 Queen Avenue, which has a sink hole in their back yard that is impeding onto her property. The sidewalk behind her

property is slowly starting to sink. Mr. Owen stated the township is aware of the sinkhole. Ms. Peters asked if it was caused by the storm drain system or if it was the property owner's responsibility. Mr. Pietropaoli noted there is currently a possible legal battle, and some other property owners are involved. The township covered the sink hole at one time, and he will have crews go in again and make sure it is covered for the property owners until the legal dispute is settled.

#### VI. ITEMS FOR DISCUSSION AND APPROVAL

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

Mr. Pietropaoli noted the WWTP had a wheel loader fail. As the unit was purchased in 1980, the return on investment was certainly reached. The price of repairs outweighed the value of the equipment. A replacement loader was not budgeted for the WWTP, but they use it to unload the chemicals, and they need a high enough lift and a capacity to lift the 55-gallon drums of chemicals. A call was put out to all vendors with interest in purchasing a used wheel loader. Out of eight calls made, one in Lebanon met township requirements and price.

Ms. Coyne noted the township received eight telephone quotes, which is appropriate due diligence for equipment purchases under \$19,500.00.

MOTION to approve the purchase of one used Takeuchi TW80 Compact Wheel Loader for the Wastewater Treatment Plant from Heavy Equipment Loaders & Parts, Inc., not to exceed the amount of \$19,400.00, was made by Mr. Hartman, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to approve the reappointment of William Case to the East Pennsboro Township Planning Commission for a



Board of Commissioners  
February 1, 2017  
Page 9

four-year term expiring February 1, 2021, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to approve the reappointment of Robert Siodlowski to the East Pennsboro Township Planning Commission for a four-year term expiring February 1, 2021, was made by Mr. Hartman, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to approve the reappointment of David Smolizer to the East Pennsboro Township Recreation Board for a four-year term expiring February 1, 2021, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to approve the reappointment of George Ehgartner to the East Pennsboro Industrial & Commercial Development Authority for a four-year term expiring February 1, 2021, was made by Mr. Gelb, seconded by Mr. Hartman, and was carried by a unanimous aye vote.

MOTION to approve the reappointment of Gene Wingert to the East Pennsboro Township Environmental Advisory Council for a three-year term expiring February 1, 2020, was made by Mr. Hartman, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve the reappointment of Richard Magaro to the East Pennsboro Township Fire Rescue Advisory Committee for a two-year term expiring February 1, 2019, was made by Mr. Tyson, seconded by Mr. Gelb, and was carried by a majority of aye votes, with Commissioner Magaro abstaining.

MOTION to authorize the Township Engineer to proceed with the roadway management plan per proposal from C.S. Davidson dated August 15, 2016, in an amount of \$34,760.00, as budgeted, was made by Ms. Magaro, seconded by Mr. Hartman, and was carried by a unanimous aye vote.

Board of Commissioners  
February 1, 2017  
Page 10

MOTION authorizing the Township Solicitor to initiate the process of resolving the unfinished municipal improvements in the Locust Ridge and Westwood Phase VI Developments, was made by Mr. Gelb, seconded by Mr. Hartman, and was carried by a unanimous aye vote.

MOTION to engage Deibler, Straub & Troutman at Keystone Insurers Group as the broker of record for the township insurance policies for 2017, was made by Mr. Hartman, and was seconded by Mr. Gelb.

Mr. Tyson asked if the current carrier is aware that the township is shopping around, and would they be interested in making a presentation, since the township has had a relationship with them for some time. Mr. Pietropaoli noted the township used Byerly Insurance for its umbrella insurance for many years, and followed its insurance agent to Gunn-Mowery, who has since retired. The dividend provides reason to look now, but Gunn-Mowery cannot offer the dividends. Mr. Tyson asked that they be given an opportunity to respond, and Mr. Pietropaoli will offer them the opportunity to come in on February 15 if they can preserve the same or similar policy with the dividends that would save the township an equal amount of money, or a sum of money significantly below the anticipated dividend. Mr. Pietropaoli noted before the next renewal they would have a chance to address the board as well.

The motion passed by a unanimous aye vote.

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