

EAST PENNSBORO TOWNSHIP
BOARD OF COMMISSIONERS
JUNE 7, 2017

Regular Meeting

7:30 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, June 7, 2017, at 7:30 p.m. at Creekside Fire Company, 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, Assistant Township Manager; Jared Hockenberry, Township Engineer; Dearan Quigley, Acting Director of Housing and Community Development, Lieutenant Mark Green, Police Department; and Erik Owen, Fire Marshal.

I. CALL TO ORDER

President Kuntzelman called the meeting to order at 7:00 p.m. A moment silent meditation was held, followed by the Pledge of Allegiance to the Flag.

President Kuntzelman thanked Creekside Fire Company for hosting the meeting this evening.

President Kuntzelman noted for the record that the implosion of 100 Senate Avenue went well, and he thanked staff for their diligent work.

He congratulated the girls' softball team for making it as far as they did, and also the boys' baseball team, who are still playing. He noted that depending how far the boys go in the Eastern State Regionals, there will be a celebration for them when they return.

II. APPROVAL OF MINUTES

MOTION approving the following itemized minutes:

1. Regular Meeting - May 3, 2017
2. Regular Meeting - May 17, 2017

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

III. EXECUTIVE SESSION REPORT

President Kuntzelman noted for the record the board held an Executive Session on May 24, 2017, for personnel matters.

IV. BUSINESS FROM THE FLOOR

Mr. Dave Bennett, 859 Acri Road, addressed the board regarding adopting a cat ordinance. He noted with the new ordinance being proposed to allow residents to raise chickens in a residential area, perhaps the township can tack on a cat ordinance, if permitted by State law, that requires cat owners to tag their cats with a cat license. He noted there are feral cats that have caused problems, and also irresponsible cat owners who allow domestic cats to run lose, and once an ordinance is passed and the cat is caught, it could be spayed or neutered if feral, and a fine could be assigned to the owner of the cat if licensed. But the only way to do that is by requiring them to be tagged. President Kuntzelman asked staff to take the matter under advisement and find out whether a municipality can have a cat ordinance.

Mr. Bennett thanked the township for sweeping his street today, but again asked if there would be more advance warning, perhaps with the alert system, so that people do not park on the street on the days of street sweeping. Mr. Pietropaoli noted the township just switched alert systems and the new one is not up and running yet, but that is the plan in the future. They are still in the planning process of the new system, and one of the reasons for the switch was the reliability of the phone numbers and cost of calls. The new system works with what county safety does and it will be call, text, and e-mail, as well as the street sweeping schedule will be in the next newsletter and put on the Web site.

Mr. Bennett also noted there is a large green area on Acri Road with no trees in that green area which gets mowed by the township, but that is the only thing that happens on that area. He suggested possibly the Parks Department could put picnic tables out there and start charging to use that facility. He noted the picnic areas at Acri Meadows and Oyster Mill are used a lot. Mr. Kuntzelman asked the Parks Department to look at the area and consider the suggestion.

Mr. Gene Assante, 817 Acri Road, complimented the new electronic signs at Adams-Ricci Park. He noted they are very attractive and add a lot to the township.

Mr. Bennett further addressed the board regarding sight problems traveling Acri Road past Mr. Assante's house where the stop signs around Ada Drive are hidden by foilage. Mr. John Owen stated he will send code enforcement out to assess the situation. It has been about 8 years since they last took care of the trees, and they may need to be trimmed up.

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

MOTION to accept the resignation letter from Andrew Boucher, member of the East Pennsboro Township Zoning Hearing Board, effective June 3, 2017, due to relocating out of the township, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to approve the request for a handicapped parking space being established in front of the residence at 1439 Third Street, Village of West Fairview, as recommended by the East Pennsboro Township Police Department, was made by Ms. Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to approve the request for a handicapped parking space being established in front of the residence at 1445 Thrid Street, Village of West Fairview, as recommended by the East Pennsboro Township Police Department, was made by Ms. Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION directing the Township Manager to draft a letter of support to DCED for the Multimodal Transportation Fund (MTF) application submitted by the Cumberland County Industrial Development Authority for the East Penn Drive Project, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote. Mr. Pietropaoli noted this is a new grant.

MOTION to approve the 90-day extension for the Preliminary/Final Minor Subdivision Plan for 132 Carol Lane, extending the timeline until September 5, 2017, was made by Mr. Hartman, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Mr. Owen reviewed several motions regarding the final minor subdivision for Grants Cove Lots 11, 12, and 13. Mr. Bony Dawood, principal of Dawood Engineering, explained that Grants Cove is a community of 20 multi-family lots that was mostly developed a number of years ago. Of the 20 multi-family lots, 17 have been improved with either duplexes or town homes. There are three remaining lots in Grants Cove. There are two lots that border Dakemich Court. An interested party wants to take the three lots and make two lots to build duplexes, which will actually fit better, especially with the topography. The problem with Dakemich Court is that as the economy faltered, a bank got involved, no one knows where the developer is, but he is not involved in the project and the bank has been calling the shots in the community.

The road has never been dedicated to the township. What is left of the road to be finalized is the final wearing surface needs to be installed, and there has to be an offer of dedication to the township and the township must accept the road into the township road system. At this time the road has been there, it is in good condition, it does not have a final wearing surface. The township has maintained that road for a number of years, so to some degree it has been part of the township system without being accepted into the system. The township does not collect any liquid fuels tax on it. Township staff, in order to clean up the project and finish up, has prepared a plat and began some of the paperwork to get everything in place to have the road dedicated. There is also a letter of credit outstanding for the remaining work to be done, so there are funds set aside to help the township finalize the projects.

When the plan was offered for dedication, as usual when a developer develops a property, they basically will sign a deed of dedication, the township must approve the plan, allow them to build the property, and the developer will build the road to township requirements and dedicate it to the township, and everyone signs that it is going to be a public road. The problem with this plan is determining who can legally sign the plan now if they cannot find the original developer. There is a question as to whether the homeowners can sign off, the homeowner association, or the bank. Mr. Dawood's attorney conferred with the Township Solicitor today and they will do more research.

Mr. Dawood requests the board to consider moving the plan along with a condition that it has to meet the Township Solicitor's acceptance in terms of who signs the plan so that the road dedication gets done in a proper legal manner.

Ms. Coyne stated because the issue is that a subdivision cannot be submitted if it is not on a public road, and this is not yet a public road, a specific conditional Board of Commissioners

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approval is needed conditioned upon a deed of dedication acceptance for it to become a public road. The conveyance to Mr. Dawood's clients was from Mr. and Mrs. Goodling for the existing three lots that are going to be consolidated and resubdivided. Ms. Coyne suggested if the board is so inclined, that a specific condition would be put on the plan that it is not going to be recorded unless the road is dedicated and accepted with a deed of dedication. She noted the parties have discussed having all the property owners of these 22 units join in to extinguish the private rights. The attorney for the applicant is suggesting that Mr. Goodling would be the one who would sign the deed, but Mr. and Mrs. Goodling cannot be found. The option is to move forward in a specific condition the Solicitor will discuss with Mr. Dawood and staff, the 90 days would not expire until August, but there are some contingencies with the potential buyers. Mr. Dawood noted it is a legal matter to be settled between title companies and the Township Solicitor and attorneys to make sure everybody is protected when the transaction occurs. Ms. Coyne stated it will be a specific condition of approval so that nothing would be recorded until it is resolved.

Mr. Tyson recapped that from a practical standpoint, rather than three buildings or three lots it is going to be turned into two with a duplex, and they want to access the money that has been set aside for the surface coat on the road. Mr. Owen noted the township will do that at the end. Mr. Tyson clarified that Mr. Dawood's attorney and the Township Solicitor will figure out who can sign the plan, and once that happens, the problem will be taken care of. The township has already been maintaining the road, the road is not finished, the township will finish the road, the community there will be completed, and the township will start receiving liquid fuels tax moneys for the road that they have been maintaining.

Mr. Owen noted the Planning Commission recommended approval with four waivers. The waivers will be addressed at the time of construction of the house and the driveway, and will be part of an HOP permit, building permit, and zoning permit.

MOTION to approve waiver request 22-305.2.B(1) Driveway Profiles & Clear Sight Triangles, Final Minor Subdivision Plan for Grants Cove Lots 11, 12 & 13 at Dakemich Court, Enola, PA 17025, Tax Parcels 09-14-0832-417/418/419, was made by Mr. Hartman, seconded by Tyson, and was carried by a unanimous aye vote.

MOTION to approve waiver request 22-305.D(5) Proposed Grading and Earth Moving, Final Minor Subdivision Plan for Grants Cove Lots 11, 12 & 13 at Dakemich Court, Enola, PA 17025, Tax Parcels 09-14-0832-417/418/419, was made by Mr. Hartman, seconded by Tyson, and was carried by a unanimous aye vote.

MOTION to approve waiver request 22-306 Preliminary Plan, Final Minor Subdivision Plan for Grants Cove Lots 11, 12 & 13 at Dakemich Court, Enola, PA 17025, Tax Parcels 09-14-0832-417/418/419, was made by Mr. Hartman, seconded by Tyson, and was carried by a unanimous aye vote.

MOTION to approve waiver request 22-518.2 Stormwater easement width, Final Minor Subdivision Plan for Grants Cove Lots 11, 12 & 13 at Dakemich Court, Enola, PA 17025, Tax Parcels 09-14-0832-417/418/419, was made by Mr. Hartman, seconded by Tyson, and was carried by a unanimous aye vote.

MOTION to conditionally approval the final minor subdivision plan for Grants Cove lots 11, 12, and 13 at Dakemich Court, Enola, PA 17025, tax parcels 09-14-0832-417/418/419, subject to the dedication of Dakemich Court, the establishment of a letter of credit for screening, sidewalks and stormwater facilities, and reporting of operations and maintenance agreement (O&M), would be conditioned upon recording of the deed of dedication for Dakemich Court, was made by Mr. Tyson, seconded by Mr. Hartman, and was carried by a unanimous aye vote.

Ms. Coyne presented the board with an amendment to last month's Resolution 04-2017. Mr. Quigley noted the amendment is corrective language because the county did not convey that they wanted to capture both the recording of deeds and the recording of mortgages with their blighted property fee. The county is seeking both \$15 on each of those, so the resolution must be amended to include deeds and mortgages. Mr. Owen noted this will be the catalyst in the county for redevelopment. There has been resistance from the real estate association to the County Commissioners, but this resolution is in support of their plan.

Mr. Tyson noted someone buying a new home would be subject to \$30 for both the mortgage as well as the recording of deed. He further noted that with what the township and county is facing with aging and neglected properties, as well as absentee landlords, that there are areas in the township that will be of benefit to be able to acquire some properties and in certain areas those properties could be demolished because they are in the floodplain, and will further stop the Board of Commissioners

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township from having to provide winter maintenance for said properties, and those properties that adjoin current recreational facilities could extend the recreational facilities. Mr. Quigley noted there are funds available from FEMA.

Mr. Owen reiterated as he noted during the budget discussion last year, hazard mitigation will take a hit in the current proposed federal budget where currently 80 percent of the assessed value of the property is available from the Federal government. There has to be a local match of 20 percent. This could change in fiscal year 2018. A lot of these properties are vacant, derelict, and blighted. They are looking at \$100,000 for some of the properties, in the best case. He will be back during this year's budget talks to ask the board to consider setting aside money to start doing that. It eliminates first responders having to go into those areas with danger of flooding and natural hazard, but it also would increase the township's green space, which will help with its MS4. The township would lose assessment on these properties, but those properties most likely are not paying taxes now, so the economic impact to the municipality would be negligible on some of these properties. The county will collect the fees and determine who gets the funds.

MOTION to amend Resolution No. 04-2017 of East Pennsboro Township, Cumberland County, Pennsylvania, in support of and urging the Cumberland County Board of Commissioners to establish a fifteen dollar (\$15) fee for the recording of each deed within Cumberland County, the proceeds from which will be used for the demolition of blighted properties throughout Cumberland County, to include a fifteen dollar (\$15) fee on the recording of mortgages, was made by Mr. Tyson, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to pull irrevocable letter of credit (LOC) No. 1802 issued by Commerce Bank for the final subdivision plan of Grants Cove, was made by Mr. Hartman, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Ms. Coyne stated discussed with the board a request from the Volunteer Firemen Association regarding their annual carnival. All items were approved except for a request for relief from police overtime. Ms. Coyne had a discussion with Lt. Green and Chief Bashore regarding times to have police there, because the overtime amount was adding up. In previous years, they asked the police to be there six hours a night. Looking at a five-day carnival, that would be around \$2,300 for overtime. Keeping police on patrol for the rest of the township is a necessity. They believe a request of closer to four hours per evening would suffice with an officer on hand, roughly 7:00 to 11:00 on the nights of the

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carnival, to try to limit the overtime costs. The board has to make a motion if they

want to waive the cost for services.

Mr. Pietropaoli noted the township currently waives the costs for the dumpsters, the staff that cleans up during the days, and porta potty rentals. Mr. Erik Owen noted Fire Police get some of the proceeds. President Kuntzelman suggested the hours be cut down this year to four hours per evening in order to support them, and then after this year meet with the carnival committee to look at what actually the township fire companies are netting and what it is actually costing the township, since the township spends a lot of time at the site beforehand as well as afterwards, and it furnishes the dumpsters and other items mentioned by Mr. Pietropaoli.

Mr. Bennett suggested the two elected State constables in East Pennsboro are law enforcement individuals who might be tasked with providing a presence to help eliminate overtime. Ms. Magaro noted Jeff McDonald is there the whole time. Lieutenant Green stated that was looked into in the past, but State constables cannot legally do security work under the State statute. They are bonded to do their job, and they have very specific duties under State statute.

MOTION to approve the request for township uniform police officer presence at the volunteer carnival not to exceed 20 hours, was made by Mr. Hartman, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Mr. Pietropaoli asked if the board could meet in Executive Session after adjournment, for personnel matters.

MOTION to adjourn the meeting at 8:20 p.m., was made by Mr. Hartman, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

(Whereupon, the board met in Executive Session to discuss personnel matters immediately after adjournment.)