

EAST PENNSBORO TOWNSHIP
BOARD OF COMMISSIONERS
NOVEMBER 2, 2016

Regular Meeting

7:00 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, November 2, 2016, at 7:00 p.m. at the Community and Municipal Center, 98 S. Enola Drive, Enola, Pennsylvania.

Those present were: Commissioners - John Kuntzelman, President; Kristy Magaro, George Tyson, Charles Gelb, and Paul Hartman (telephonically); 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

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

President Kuntzelman stated Commissioner Hartman is home from the hospital and attending the meeting telephonically.

II. EXECUTIVE SESSION

President Kuntzelman asked that before the meeting start, the board meet in Executive Session for personnel issues.

(Whereupon, the board met in Executive Session from 7:02 p.m. to 7:06 p.m. in reference to personnel issues.)

III. APPROVAL OF MINUTES

MOTION approving the minutes of October 5, 2016, was made by Mr. Tyson, 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 - September 2016
2. Building Permit Report - October 2016

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

V. BUSINESS FROM THE FLOOR

President Kuntzelman informed the board that earlier this evening he signed documents to enable the Eagle Scout who gave his presentation at the West Enola meeting in August to start raising money for his project. Board approval was not needed, so Mr. Kuntzelman signed papers for him to get started with his Eagle project providing exercise equipment at Adams-Ricci Park.

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

MOTION to approve the handicap parking request from Cynthia Ivanoff, 332 West Perry Street, per Police Department recommendation, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve Resolution 2016-10 approving collection procedures and adopting a schedule of attorney fees to be added to the amount collected as part of the municipal claims for delinquent sanitary sewer accounts, was made by Ms. Magaro, and was seconded by Mr. Gelb.

Ms. Coyne noted the Cumberland County Sheriff increased their costs for sheriff's sales, and this resolution mirrors that increase for the township to allow

for delinquent accounts to be collected if the township goes forth with the writs of execution.

President Kuntzelman commented that the township is doing very well in the collection of sewer and trash bills in arrears, this year approaching \$500,000 received.

Whereupon, the motion was passed by a unanimous aye vote.

MOTION to approve a 90-day letter of extension for the preliminary/final subdivision and land development plan for 200 First Street Associates, subject to the confirmation of the 90-day period, was made by Mr. Tyson, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to approve a 90-day extension letter for the preliminary subdivision and land development plan for 199 Associates, subject to confirmation of the 90-day time period, was made by Mr. Tyson, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

Mr. Chris Dillinger, from HRG, presented the Hampden Green, LLC, land development plan. They are requesting a waiver of the land development process for the part of this development in East Pennsboro Township. This plan has been filed as a preliminary plan in Hampden Township, and last Thursday was granted conditional approval by the Board of Commissioners of Hampden Township. They will be going back for final plan approval. They have a stormwater court that is modeled on the county's Act 167 ordinance, very similar to East Pennsboro's. Hampden Township is doing their full review, and East Pennsboro's staff has had a chance to review the stormwater. Both townships have the same requirements.

The plan proposes a 260-unit apartment complex that will look more like townhouses. The only improvement in East Pennsboro Township is the one detention basin. All the roads, private streets, and houses are in Hampden Township, with the exception of the one detention basis

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which will discharge to Holtz Run. Mr. Jared Hockenberry, East Pennsboro Township Engineer, recommended approval of the waiver request conditioned upon making sure they enter into an operation maintenance agreement for that particular basin so they can comply with any future MS-IV monitoring.

Ms. Coyne noted financial security will be posted and named for East Pennsboro Township, and the as-built will be provided.

Ms. Nancy Jones, Pine Hill Road, Enola, expressed concern about the stormwater from 260 units coming into Holtz Run through Pine Run, which runs right through her property. She asked the Township Engineer how much more water she will see from all the building. Mr. Hockenberry noted the applicant will have to control the runoff from his property as if it were the vacant lot that it is. The development, by design, will control runoff as if there were no houses or units there, utilizing approximately 10 basins. He noted stormwater runoff is a concern of Hampden Township as well as East Pennsboro. Neither wants any more water in the streets and streams, and East Pennsboro will work on reducing that.

Mr. Dillinger noted the countywide Act 167 study, which covers stormwater, which both East Pennsboro and Hampden Townships have adopted, requires them to reduce the grade of runoff, such as how fast it runs off and also the volume, the two-year runoff peak rate is up to the 100-year storm. That also complies with DEP's strict regulations, which they must design for. The stormwater plan is under review by the Cumberland County Conservation District, and they will comply with all those requirements.

The onsite detention basins will take the water that comes off quickly and hold it back for a while and discharge it through a small hole, and then the water slowly leaves the site instead of leaving fast, so there should not be flooding.

Ms. Jones noted the more building that commences, the more runoff she will get, but she is hopeful the detention

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and delayed discharge will work. Mr. Dillinger reiterated the infiltration facilities will collect the water that drains from impervious surfaces and hold it to slowly percolate it back into the ground. Mr. Gelb asked what relief residents would have if something happens. Mr. Owen noted they would work with whoever the complainant is and work with Hampden Township, where the majority of the development will take place, to address those issues. The only development in East Pennsboro is the detention basin. As long as it is properly maintained and designed, it should be okay, but if there are issues, the township will work through that with Hampden Township to address that issue, as is done with any construction site.

Ms. Jones asked who is responsible for maintaining the detention pond after the development is done, whether Hampden Township or East Pennsboro Township. Mr. Dillinger noted actually the developer is responsible, but he entered into an agreement with both Hampden and East Pennsboro Townships which says if the developer does not maintain it, the township can maintain it on their behalf and charge them for the fees associated with maintenance. He noted this developer owns many communities in the area. He does not develop and sell, he actually operates them, so he fully intends to maintain management of the facility. This is part of the operations and maintenance agreement.

MOTION to waive the land development requirements, except for Township Engineer's stormwater management comments dated October 24, 2016, from HRG for the Hampden Green, LLC, project located within both Hampden and East Pennsboro Townships, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a majority of the aye votes, with Mr. Gelb abstaining.

Mr. Gelb noted he abstained because he indirectly deals with voluntary benefits with HRG and does not want there to be the appearance of impropriety.

The board discussed the grading plan for 740 Tower Road. Mr. Randy Scher, with Hoover Engineering Services, represented the plan. The plan received a variance from

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the Zoning Hearing Board for the small building on the lot. It is exempt from stormwater management because new additional impervious coverage is less than 1,000 square feet. They have agreed to remove the existing guide rail and an above fieldstone junction box and replace the existing fieldstone junction box with a Type 3 PennDOT inlet, an oversize inlet that can protect the 36-inch pipe. It will be installed to grade and the section of 20-inch pipe that is old corrugated pipe will be replaced with new 36-inch plastic pipe. Ms. Coyne noted they have no objection to increasing for adequate radius for fire trucks. Mr. Erik Owen stated his review comments are not shown on the plan, but the developer can do an as-built when it is done for the radius. He further noted that prior to certificate of occupancy, they will take up a fire truck and test to make sure it can get into the site, and if it does not, he will work with the applicant.

MOTION to approve the grading plan under zoning Section 27-605.A for 740 Tower Road, Enola, for Darwin K. Brosius, Tax Parcel 09-11-3008-021, pending compliance with staff comments, was made by Ms. Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

The board considered the preliminary/final minor subdivision plan for Bradley Allen, and Frankie Rivera and Pamela J. Brown. Mr. John Melhorn from Melhorn Architects represented the plan.

Mr. Pietropaoli noted this is the old Sid Trump plan on Holtz Road. The plan went through the Planning Commission, and they recommended approval for the zoning permit. The plan is to subdivide the lot into two lots. Mr. Melhorn stated it is a 14.3-acre piece by deed, creating two lots for a family that has two households - Mr. and Mrs. Allen, and Frank Rivera and Pamela Brown. They wanted the lots roughly equal, and so the plan is for two lots of about 7.1 and a fraction acres. It is a very difficult piece to subdivide because of the existing configuration of outside boundary. One subdivided lot has sufficient frontage, which is 200 feet as required by the ordinance, and Mr. Allen is presenting to the township a

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proposal to purchase a piece of right-of-way which diverges from the typical right-of-way of Holtz Road that came about many years ago when PennDOT built I-81. Back then, Holtz Road ran down to where I-81 is now, and the right-of-way for the proposed Holtz Road realignment created this configuration. Early discussions with staff indicated the township might be willing to relinquish this extra piece of right-of-way to Mr. Allen. He has had an appraiser appraise that piece and he has made an offer.

The subdivision met staff requirements. The SEO did the soil test for each of the two lots and got successful probes and percs on both. She did one system per house. This past Friday they received a letter from DEP stating they need an alternate system done as well, so Mr. Allen has spoken with the SEO who will get out to do a second series of tests within two weeks. Mr. Melhorn suggested the board could approve the plan conditional on the additional soil test.

Mr. Melhorn also requested waivers from sidewalk and curb along Holtz Road. Ms. Coyne suggested the waivers for sidewalks and curbs be a separate motion, and the first motion.

MOTION to approve waivers requested for the preliminary/final minor subdivision plan for Bradley Allen, and Frankie Rivera and Pamela J. Brown, for 1590 Holtz Road, Enola, PA, for Tax Parcel 09-11-3010-011, to include 22-507 sidewalks and 22-506.E(5)(F) curbs, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve the preliminary/final minor subdivision plan for Bradley Allen, and Frankie Rivera and Pamela J. Brown, and grading plan under Section 27-605.A for 1590 Holtz Road, Enola, Pennsylvania, Tax Parcel 09-11-3010-011, subject to obtaining E&S plan approval from the Cumberland County Conservation District, establishing financial security for stormwater management facilities, gaining approval of an on-lot sewage disposal system from the SEO and/or DEP, and recording an operations and

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maintenance agreement for stormwater facilities, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to direct the Township Manager to work with the negotiating team to draft the final copy of the uniform four-year collective bargaining agreement, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

VII. NEW BUSINESS

Mr. Pietropaoli noted the trash bid opening is scheduled for November 10, 2016, at 10:00 a.m.

At the November 16 meeting, the board will be in a position to move to advertise the budget for display, which keeps adoption of the budget on track for December 21.

Mr. Pietropaoli passed out the recreational programs for 2017. The Halloween Parade is scheduled for the same night as the BOC workshop in October. He would like to change the October workshop date so there is no conflict, as 2017 meeting dates have not yet been advertised.

Mr. Pietropaoli also passed out a request from a group called Cure Cancer Cruise, who would like to do a 2017 car show at Adams-Ricci Park on the parking area in either August or early September. The Rec Director will have to work around soccer to make sure there is room for the 100 to 150 cars. They are also looking at the high school parking lot as a backup plan.

Mr. Pietropaoli noted problems with political signs not just in the township but in the area this election. Township crews are not taking down political signs unless they are blocking site distance, which PennDOT is doing as well. Dan Storm at PennDOT local maintenance stated if a sign is blocking site distance or creating a road hazard with concrete blocks, they will remove it. Anybody can pick up the signs that were taken down at any PennDOT shed that is close to the sign.

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President Kuntzelman stated after the election, he is going to push hard for no political signs on township property. He noted the triangle at North Enola Drive is there for the flag, not for political signs, the same as the point in West Fairview, and township property should not be involved in politics. He asked his fellow Commissioners to think about it, but he will be bringing it up after the election. Mr. Pietropaoli noted one of the areas is also a PennDOT right-of-way, and the township can work with them on that.

Mr. Gene Assante, 817 Acri Road, East Pennsboro, told the board that after this year's Halloween parade, on his way to the workshop meeting, he noted Fire Police were doing an excellent job, but further up on Enola Drive there were women and children crossing with strollers in the dark. He asked if next year Fire Police could be extended further up Enola Drive for the safety of the public.

Chief Bashore noted background investigations are being done on the officer candidates. He requested the board meet the three top candidates at 6:00 p.m. on November 16, before the meeting. The Commissioners agreed.

Mr. Pietropaoli noted that is also a business meeting, so the board will also have an opportunity to provide an offer of employment that evening.

Mr. Kevin Williams, 510 Susan Road, and his wife, Joyce, addressed the board concerning a problem they have been having with their neighbor, Nancy Chavez regarding harassment, bullying, and intimidation. He noted they have been trying to go through the right channels to get this resolved, but have had no luck.

The Williams moved into their property in 2011. Shortly after they moved in, the neighbor continued to cut their grass. He asked her politely to stop quite a few times. On the downspout of their house facing her side is a black corrugated tube. She explained to them that at one point before they moved she had that put on. In the fall of 2012, he came out of the house and there was a different

tube of 20 feet instead. He did not want to stir up new neighbors, so he did not ask. In the spring of 2013, she informed Mr. Williams she was going to dig a trench in his yard for the black tube. At that point he said, no, and asked her to please stay off his property.

On June 23, 2013, she called him over as she was conversing with a landscaper and said the landscaper is going to come onto his property and move that tube. He again said, no, and asked her to stay off his property.

On March 17, 2015, he received a call from Robert Gould, Township Codes Enforcement Officer, who indicated the Williams were in violation of the codes due to the downspout runoff was too close to the neighbor's property. Mr. Williams indicated to Mr. Gould that the neighbor who actually installed the tube on the downspout was the one who turned it in for a violation. He asked what was needed in order to be in compliance, and was told to take off the tube within 90 days.

Since that time, he installed "no trespassing" signs, as his neighbor continued to cut the grass up to his "no trespassing" signs. He had the property surveyed and moved the signs to the property line. At that point, she began to throw her yard waste into his yard. He installed surveillance cameras that provided over 50 video clips of her taking things from her back porch, across her yard, and throwing it into his yard.

He talked to the police to see if the problems could get de-escalated, and Officer Dunkerly came out on April 20, 2016. He and his wife explained everything and told him about the video clips. Officer Dunkerly recommended sending her a warning against trespassing letter, via certified mail, which he did.

On May 16, 2015, his wife was diagnosed with breast cancer, which he indicated has been difficult, and is exacerbated by the harassment and bullying by their neighbor. On May 19, they received a threatening letter from her lawyer informing them that she has filed a

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criminal complaint. Chief Bashore agreed to meet with the Williams, along with Lieutenant Green, on May 31, and they explained what was going on and showed them the video clips. Chief Bashore and Lieutenant Green went through the video clips and indicated what she was doing was wrong.

Mrs. Williams stated she also a video tape where Ms. Chavez tried to hit her with her vehicle as she was walking, and the police officer told her she should walk with a body camera every time. She was told by her surgeon to exercise, and she has two more surgeries. She stated her concern is trying to survive cancer, and she does not want to have to worry about a neighbor trying to run her down. She talked to her oncologist about wanting to move but was told that a move will cause stress, and she cannot have stress, but she told the board she has stress every day with this neighbor and nothing is being done. Mr. Williams noted it was on June 24 when the neighbor accelerated up the street in her vehicle.

After meeting with the Chief, the Lieutenant was to follow up with the Williams. He heard nothing from May 31 to June 21, and called the Lieutenant. He said he would contact the lawyer who sent the letter to try to get it resolved. Mrs. Williams had surgery and he never got back the Lieutenant until August 9. He tried to call him August 9, but the mailbox was full. He called him August 16 and left a voice mail, as well as left a voice mail on August 29, which was 10 weeks since they had initially met. He also left voice mails on August 30 and August 31. The Lieutenant called back on September 1 and said that he had previously spoken to her lawyer and he was going to follow up on it further because nothing had changed, she was still doing what she was doing. On September 23, he again called Lieutenant Green. He said he was going back and forth with Ms. Chavez to meet and said he had known her for a long time. Mr. Williams noted it has been 6 weeks since he has heard from anybody, and 6 months since they made initial contact with the Police Department, and he does not know what else to do.

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Chief Bashore asked if anything has been done since then. Mr. Williams indicated a fence was erected about four weeks ago. Chief Bashore stated the police are dealing with this and just met with her and her attorney last week. It is a neighborhood dispute problem that they are trying to work through. Ms. Chavez installed a fence so there is a clear property line now with a fence, a physical barrier that obviously if she would go over that physical barrier or throws clippings, she will be subject to a criminal act. Mrs. Williams noted she still throws her leaves on their side over the fence. Mr. Williams stated there is a lower fence and she blows them in.

Mrs. Williams further noted she is still afraid to walk, and there are no sidewalks in her development. Chief Bashore reiterated that the Police Department is dealing with the issue.

President Kuntzelman apologized for the troubles the Williams are experiencing, and assured them to call any of the Commissioners if they do not get a response back from the Police Department. Chief Bashore will keep the Commissioners updated on the situation.

MOTION to adjourn the meeting at 8:10 p.m., was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.