

Minutes
 Regular Meeting
 Hummelstown Borough Council
 Thursday February 16, 2023
 7:00 PM

1. **Call To Order**
2. **Devotions**
3. **Pledge of Allegiance to the Flag**
4. **Roll Call**

Council Members:		
Brian Foster, President <input checked="" type="checkbox"/>	Robert Weber, Vice-President <input checked="" type="checkbox"/>	Mayor Dave Roeting <input checked="" type="checkbox"/>
Christopher Black <input checked="" type="checkbox"/>	Chad Lister <input checked="" type="checkbox"/>	Dee VanGavree <input checked="" type="checkbox"/>
Kelly Williamson <input checked="" type="checkbox"/>	Randy Lutz <input type="checkbox"/>	
Also in Attendance:		
Theresa Eberly <input checked="" type="checkbox"/> Borough Manager	Justin Hess <input checked="" type="checkbox"/> Chief of Police	David Willard <input checked="" type="checkbox"/> Public Works Director
Issac Underhill <input checked="" type="checkbox"/> HRG representative	Michael Miller <input checked="" type="checkbox"/> Solicitor	

5. **Announcements**
 Council met for executive session for legal matters prior to Borough meeting. Solicitor requested for Council to make a motion to amend the agenda on item 13 to add resolution 2023-R-04, establishing the false alarm response fees in the False Alarm System Ordinance, moved by Robert Weber and seconded by Chad Lister; motion passed.
6. **Approval of the Agenda** – motion to approve moved by Robert Weber and seconded by Chad Lister; motion passed.
7. **Approval of the Minutes of the Following Meetings**
 - A. Regular Meeting of January 19, 2023 – motion to approve moved by Robert Weber and seconded by Chad Lister; motion passed.
 - B. Workshop Meeting of February 9, 2023 – motion to approve moved by Dee VanGavree and seconded by Robert Weber; motion passed.

Public Hearing

Jay Stanton (lives on Kokomo Avenue) expressed his concern regarding parking on Kokomo Street, which is only 12ft wide, if two units will be built. Currently there are three to four vehicles parked in one driveway plus two trailers in one of the properties. Therefore, he is questioning where will vehicles park if there will be an additional 4 drive ways. He is also concerned that the proposed units will be built on a very steep slope that will potentially cause water runoff down the creek. Furthermore, he asked about the proposed sidewalk, which was mentioned in The Sun, and where will it be located. Robert Weber said that there will be a sidewalk installed on the north side of Kokomo Avenue, on the Borough’s property at the developer’s expense. This sidewalk is also going to benefit students that get

dropped off by the bus, because they will not be standing on the street anymore but instead on the sidewalk. There will be no sidewalk on the south side. He said that in previous meetings there were detailed discussions regarding water runoff.

Sherry Koons (lives on Hummel Street since 1989) mentioned that Hummel St. is supposed to be 20 feet by 20 feet, based on dauphin county tax map. There is 12 feet from her driveway to the macadam and the other 8ft is stoned where the renters park. Her concern is regarding parking because she encounters issues backing out of her driveway because of the limited space.

Diane Rizzo (lives on Hummel Street) feels she is directly affected by this proposed plan. Her property is across from the units that was just completed. She said neither of the units utilize the garage and the driveway is a one car driveway, however there are three vehicles and trailers parked at that unit. She does not know where everyone is going to park.

Another resident asked if the Borough wants more or less renters.

Devon Bell (lives on East St.) stated that Borough should consider having more-owner occupied houses than due to the poor condition of many of the rental units. She also brought up how she has asked the Borough to (Poppy Ally) fix her road since 2019, and she feels the road is forgotten. She distributed photos she had taken of the road.

Councilman Chad Lister commented that both Ms. Rizzo 's and Ms. Bell's points are excellent and that people in town are working on the rental committee to implement a rental property policy to address rental properties. The community is reaching a-high percentage of rental properties. Council is also working on a rental property inspection program to address units in poor condition.

8. Presentations (none)

10. Citizen Hearings (none)

11. Staff Reports:

- A. Manager's Report – Theresa Eberly announced that of February 15th the Borough was awarded the Strategic Management Program grant from DCED for \$40,500 to be used for the development and implementation of a five-year financial management plan.
- B. Zoning/Code Enforcement Officer's Report – as submitted.
- C. Police Report – as submitted.
- D. Fire Company Report – Firetruck is coming together and should arrive by April and serviced by May. There was a 10 month delay due to delay of items.
- E. Mayor's Report - Lower Dauphin Musical will be on March 2nd -5th . On March 17th -18th the Mayor will be at the Lower Dauphin Mini Fund. The Mayor is also looking forward to being part of 321 event on March 21.
- F. Financial Report – motion to approve moved by Dee VanGavree and seconded by Kelly Williamson; motion passed.
- G. Tax Collector's Report– motion to approve moved by Chad Lister and seconded by Dee VanGavree; motion passed.
- H. Tax Exemption & Exoneration Report (none)
- I. Parks & Recreation Board – As of March 1st the Brick Fundraiser will restart and give individuals the ability to order online and add special graphics. Also, the Board is exploring a program to provide memorial benches with plaques. Ann Yost gave a presentation concerning the grant for

Alexander Park and provided -ideas on equipment. She stated she would include play equipment that is unique from other parks in our system. Her suggestions included adding shadings, gaga ball pit and music station. Kelly is currently working on a summer recreation program grant. She noted that camp registration will open March 1st.

- J. Emergency Management Oversight Committee – Tickets are being sold for the Annual EMA Fundraiser. The funds will go towards training, community education, and equipment. Next scheduled meeting is in early April.
- K. Shade Tree Commission (none)
- L. COG Report – meeting on Monday
- M. Communication Committee – meeting is scheduled on Tuesday.

12. Hummel Street (Parcel ID 31-055-008) Preliminary/Final Subdivision Plan

- A. Discussion on Hummel Street (Parcel ID 31-055-008) Subdivision Plan, none.
- B. Waiver(s).

1) SLDO Section 403 – Submission of Preliminary Plan

Robert Weber stated the requirements are when there are five or fewer lots are proposed to be subdivided from a tract of land, the Borough Council, being advised by the Planning Commission, in response to a written request by the applicant, may waive the requirements of preliminary plat submission.

Motion to **Approve** the Waiver moved by Robert Weber and seconded by Chris Black; Chad Lister requested to make a clarifying amendment because looking at the map cover page it References only lot #2 and there should be a clarification that references lot #2 and #3 for the zoning application of properties.

Motion to **Approve** amended Waiver moved by Robert Weber and seconded by Chris Black; motion passed with five approvals (Brian Foster, Robert Weber, Christ Black, Kelly Williamson, Dee VanGavree) and one opposed (Chad Lister).

2) SLDO Section 502 3.a. Minimum Street Widths

Robert Weber stated that the applicant is proposing widening/reconstruction of Hummel Street will be fully funded by the applicant. No additional widening along Raymond Street, Hanover Street, and Kokomo Avenue is proposed. As agreed, upon at the 1/5/23 Borough Planning Commission Meeting, the applicant will perform grading within the right-of-way of the north side of Raymond Street to ensure that stormwater runoff is routed via a stabilized swale into the rear yard of Lot 1 and conveyed to an existing concrete headwall and associated 12” CMP discharge pipe. The applicant has funded engineering analysis which demonstrates that the existing 12” CMP pipe culvert pipe is adequate in size to convey the required 10-year storm event design flow.

Motion to **Approve** the Waiver moved by Robert Weber and seconded by Chris Black; motion carried with five approvals (Brian Foster, Robert Weber, Christ Black, Kelly Williamson, Dee VanGavree) and one opposed (Chad Lister).

3) SLDO Section 508.1 A. Natural Features Preservation – Tree Preservation & Planting

Robert Weber stated that the applicant is proposing to develop the existing woodland and open tract in accordance with the grading plan requirements of the Borough. To provide the necessary transition grading between the proposed semi-detached buildings for Lot No’s. 1 through 3, existing trees located greater than 15 feet from the proposed building foundations must be removed from the property in accordance with the submitted subdivision plan. The applicant strongly desires to preserve any tree on the property that can remain after final grading to provide an aesthetic mature buffer for the proposed lots. The applicant therefore requests relief from the requirement to preserve trees within fifteen (15) feet of the foundation

areas of the proposed buildings.

Motion to **Approve** the Waiver moved by Robert Weber and seconded by Chris Black; motion carried with five approvals (Brian Foster, Robert Weber, Christ Black, Kelly Williamson, Dee VanGavree) and one opposed (Chad Lister).

4) SLDO Section 602 – Monuments and Markers

Robert Weber stated that the applicant is proposing Four (4) concrete monuments are proposed as shown on the Subdivision Plan at the location recommended by the surveyor of record Due to the existing perimeter geometry of the site, the installation of numerous unnecessary monuments would be required per ordinance. Additionally, the site is underlain by bedrock close to the surface. Property pins and pipes were found at perimeter boundary corners and are reference points used to permit certification by the surveyor for this project. Removal of this documentation is not recommended. The applicant therefore requests acceptance of the proposal to install two concrete monuments as shown on Plans. Motion to Approve the Waiver moved by Robert Weber and seconded by Chris Black. motion passed with five approvals (Brian Foster, Robert Weber, Christ Black, Kelly Williamson, Dee VanGavree) and one opposed (Chad Lister).

5) SLDO Section 606 Concrete Curbs and Section 607 Concrete Sidewalks

Robert Weber stated the requirements are, Concrete Curbs and Sidewalks shall be constructed in accordance with Borough Specifications. The applicant proposes not to construct curb and sidewalk improvements along any of the existing street frontages bordering the site. No curbing or sidewalks exist along Hummel Street and Raymond Street Curbing does exist along both sides of Kokomo Avenue. The installation of any curbing along Hummel Street would concentrate gutter flow near Raymond Street in a steep area instead of allowing roadside runoff to sheet flow into the property for absorption in its current manner. As shown on the plan, the applicant will perform grading within the right-of-way of the north side of Raymond Street to ensure that stormwater runoff is routed via a stabilized swale into the rear yard of Lot 1 and conveyed to an existing concrete headwall and associated 12” CMP discharge pipe. The applicant does propose to provide a pedestrian easement encompassing the existing asphalt path located on the property to permit residents to traverse the property from Raymond Street to Kokomo Avenue. Additionally, as agreed upon at the 1/5/23 Borough Planning Commission Meeting, the will fund and complete the construction of a sidewalk and associated ADA ramp along the north side of Kokomo avenue across from the applicant’s property due to the severe embankment that exists along the south side of Kokomo Avenue adjoining the applicant’s property.

Motion to **Approve** the Waiver moved by Robert Weber and seconded by Chris Black; Chad Lister requested to have a clarifying amendment for the waiver to be conditioned that if for any reason that the sidewalk on the north side of Kokomo Avenue cannot be constructed for any reason, it shall be constructed on the south side of Kokomo Avenue at the applicant’s expense.

Motion to **Approve amended** Waiver moved by Robert Weber and seconded by Chris Black; carried with five approvals (Brian Foster, Robert Weber, Christ Black, Kelly Williamson, Dee VanGavree) and one opposed (Chad Lister).

6) SWMO Section 26-118 – Volume Controls

Robert Weber stated the requirements are, Stormwater runoff volume controls shall be implemented using the Design Storm Method or Simplified Method. Given the presence of carbonate geology and the documented presence of limestone bedrock and no ability to provide a separation between the bottom of a and the bedrock limiting zone, it is considered prudent to

avoid infiltration BMPs on this site. The risk of sinkhole development is high. A waiver is requested to permit an increase in stormwater runoff volume. All proposed BMPs will be lined with an impermeable membrane to prevent any infiltration on the site. Due to the inability to infiltrate stormwater, volume control cannot be achieved. The applicant does propose to ensure that rate control is met in accordance with the requirements of the Hummelstown Borough Stormwater Ordinance. The applicant therefore requests a waiver from meeting the volume control standards due to the reasons provided.

Motion to **Approve** the Waiver moved by Robert Weber and seconded by Chris Black; motion passed with five approvals (Brian Foster, Robert Weber, Chris Black, Kelly Williamson, Dee VanGavree) and one opposed (Chad Lister).

7) SLDO Section 22-612 – Electric and Telephone Lines Requirement:

Robert Weber stated that the applicant is proposing all electric and telephone service lines, including street lighting, shall be placed underground within any subdivision or land development of five or more lots and/or dwelling units. Proposal requiring waiver: The applicant's property, as well as other properties along the east side of Hummel street are currently served by existing overhead telephone and electric lines. The applicant does not propose to fund any rework of the existing electric and telephone overhead lines to place them underground. It is noted that two (2) existing utility poles are located within the 50 ft. wide right-of-way of Hummel Street. As agreed, upon at the 1/5/23 Borough Planning Commission Meeting, the Borough and the applicant will contact utility provider PP&L to advise them of the location of the poles to determine if they will remain within the right-of-way or be relocated by PP&L.

Motion to **Approve** the Waiver moved by Robert Weber and seconded by Chris Black. Chad Lister requested to have a clarifying amendment for the waiver to be conditioned that if PP&L

does not move the pole that the developer move the pole at its own expense.

Motion to **Approve amended** Waiver moved by Robert Weber and seconded by Chris Black; motion passed with five approvals (Brian Foster, Robert Weber, Chris Black, Kelly Williamson, Dee VanGavree) and one opposed (Chad Lister).

8) SLDO Section 510.2.A(2) -Recreation and Open Space Exemptions

Robert Weber stated that the applicant is proposing All residential or land development plats submitted after the effective dates of this chapter shall provide for suitable and adequate recreation. Any residential subdivision or land development plan, whether single and/or or multi-family that contains less than 30 dwelling units may be exempted by the Borough Council from dedicating land for recreational purposes, but shall pay the fee in lieu of dedication as provided in this chapter. Proposal requiring waiver: The applicant proposes to provide a pedestrian easement encompassing the existing asphalt path located on the applicant's property to permit residents to continue to traverse the property from Raymond Street to Kokomo Avenue. Additionally, as agreed upon at the 1/5/23 Borough Planning Commission Meeting, the applicant will be funding the installation of sidewalk and associated ADA ramp along the north side of Kokomo Avenue. Due to the proposed improvements summarized, the applicant is requesting that no payment of a recreation fee in lieu of dedication be required for the project.

Motion to **Approve** the Waiver moved by Robert Weber and seconded by Chris Black; Chad Lister requested to have a clarifying amendment that the easement will be maintained by the Borough but the Borough will not be responsible for any maintenance of the surrounding property.

Motion to **Approve amended** Waiver moved by Robert Weber and seconded by Chris Black; motion passed with five approvals (Brian Foster, Robert Weber, Chris Black, Kelly Williamson, Dee VanGavree) and one opposed (Chad Lister).

- C. Motion to **Approve** the Easement Agreement between Ricker Development LLC and the Borough of Hummelstown concerning the walking path on the Ricker property; moved by Robert Weber and seconded by Chris Black; motion passed with five approvals (Brian Foster, Robert Weber, Chris Black, Kelly Williamson, Dee VanGavree) and one opposed (Chad Lister).
- D. Motion to **Approve** the Hummel Street (ID Parcel 31-055-008) Subdivision Plan, subject to solicitor and engineering comments; moved by Robert Weber and seconded by Chris Black. Chad Lister requested to have a clarifying amendment on the map submitted on page 3 of 5 it appears that the driveways go out to the street however, he is requesting that the labeling on the map identify that the driveways will be out of setback on Hummel Street. In addition, he requested a clarifying amendment that the parking areas on the revised plans appear to be gravel, however, at the Borough Council Workshop meeting, council requested that the added parking areas on the existing properties be paved; Motion to **Approve as amended** moved by Robert Weber and seconded by Chris Black; motion passed with five approvals (Brian Foster, Robert Weber, Chris Black, Kelly Williamson, Dee VanGavree) and one opposed (Chad Lister).

E. Motion to **Approve** Establishing Improvement Guarantee in the amount of \$95,288; moved by Robert Weber and seconded by Chris Black; motion passed

13. Rental Property Registration Ordinance 2023-02 motion to approve moved by Chris Black and seconded by Robert Weber; motion passed.

- A. Motion to **Amend Ordinance** 2022-06 to change registration deadline from March 31st to June 1st; moved by Chad Lister and second by Robert Weber; motion passed.

14. Resolution 2023-01: Establishing Rental Property Registration Fees

- A. Motion to **Approve** Resolution 2023-R-01 Rental Property Registration Fee; moved by Dee VanGavree and seconded by Chris Black; Amendment request to change fee from \$35 to \$45 moved by Robert Weber and second by Chad Lister; Dee VanGavree agreed to the amendment. motion passed.

15. Ordinance 2023-03 and Resolution 2023-R-4 Alarm System

- A. Motion to **Approve** Ordinance 2023-03
- B. Motion to Approve Resolution **2023-R-04** Establishing Fees for False Alarms-moved by Chris Black and second by Dee VanGavree; motion passed.

16. Resolution 2023-R-3 Parks and Recreation Rules and Regulations

- A. Discussion of Parks and Recreation Rules, Regulations, and associated fees.
- B. Motion to **Approve** Resolution 2023-R-3 moved by Kelly Williamson and seconded by Robert Weber; Robert Weber asked if this included the new fees and that is so. Kelly Williamson noted that on 6.1.1 there was a designated park and recreation facility, but the Hummels Nature Trail is not listed. Borough Manger stated that we do not rent Hummel Nature Trail at this time. Dee VanGavree requested that 3.5.5, discusses nonrefundable fee of \$2,000 or materials or supplies of equal value per season, be added to be reviewed by the Borough Manager; furthermore, she noted that at Schaffner Park alcohol is permitted with a permit and that maybe a consideration be made regarding this in other parks. Borough Manager Eberly suggested referring back to the approved park rules rather than listing them. Chad Lister requested that 3.5.3 be amended to also include Lower Dauphin School District (nonprofit organization) not based in Hummelstown and Adjoining Municipalities that offer reciprocity of facilities would receive a 50% discount on rental fee. Solicitor suggested removing Chad's request so it can be added in the next meeting or amended down the line. Chad Agreed and so did Kelly; motion carried.

17. KMS Engagement Agreement for STMP Grant

A. Motion to **Approve** proposed agreement with KMS to serve as the consultant on the STMP project at a cost not to exceed \$56,250 moved by Chris Black and seconded by Robert Weber; motion passed.

18. Stormwater Project Engineering Proposals

A. Motion to **Approve** Scope of Work for High and Duke Streets and Hummel Nature Trail Projects moved by Chad Lister and seconded by Chris Black; motion passed.

19. Summer Camp Director and Counselor Hourly Rates

A. Motion to **Approve** salaries for Summer Camp Positions as follows:

Director of Summer Camp \$22/hour

Assistant Dir/Lead Counselor \$18/hour

Counselor Level 2 \$16/hour

Counselor Level 1 \$14/hour

moved by Kelly Williamson and seconded by Dee VanGavree; motion passed.

20. Tri- County Bike Share Program

A. Motion to Approve participating in the Tri-County Bike Share Program moved by Dee VanGavree and seconded by Robert Weber; motion passed.

21. Approval of Bills Payable List dated February 16, 2023 moved by Kelly Williamson and seconded by Dee VanGavree; motion passed.

22. Other Business (none)

Borough Council adjourned to Executive Session at 8:30 PM to discuss personnel and legal matters.