MINUTES
UPPER ALLEN TOWNSHIP
BOARD OF COMMISSIONER
6:30 P.M., OCTOBER 18, 2023

COMMISSIONERS
Kenneth M. Martin, President
Richard A. Castranio, Jr., Vice President
Virginia M. Anderson, Assistant Secretary
James G. Cochran, Assistant Secretary
Jeffrey M. Walter, Assistant Secretary

TOWNSHIP OFFICIALS
Scott Fraser, Township Manager, Absent
Kelly Palmer, Assistant Manager
Andy Parsons, Chief of Police
Jennifer Boyer, Comm Dev Director
Barry Cupp, Sewer Dept. Manager
J. Stephen Feinour, Solicitor
Jason Reichard, Engineer
Tom Shumberger, Fire Chief

CALL TO ORDER

President Martin called the Board of Commissioners meeting to order at 6:30 p.m. A moment of silence was held, and the Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Fraser. All were present.

PRESIDENT'S ANNOUNCEMENTS

President Martin shared that there was an Executive Meeting prior to this meeting to get legal advice on pending issues.

CONSIDERATION/APPROVAL OF MINUTES OF BOARD OF COMMISSIONERS MEETINGS – SEPTEMBER 20, 2023

President Martin asked for any comments or corrections to the Minutes of the September 20, 2023, Board of Commissioners Meeting. There was none and Commissioner Cochran made a **MOTION** to approve the Minutes of the September 20, 2023, Board of Commissioners meeting, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

PRESIDENT'S RECOGNITION OF VISITORS

Recognition of Tonya Brown

The Board of Commissioners recognized Tonya Brown, the Director of the Mechanicsburg Recreation Department, for 40 years of service with Resolution 1088.

Tonya Brown thanked everyone for the recognition.

Dave Shiner, President of Mechanicsburg Area Meals on Wheels

Mr. Shiner gave an update on the organization and thanked the Board of Commissioners for their support. President Martin thanked him for his and the organization's work.

Jeff Williams, 334 E. Meadow Drive

Mr. Williams wanted to share that the staff, support from the Board and the layout for the Fall Festival was excellent. He appreciated that the Board of Commissioners acknowledged Tonya Brown and for their support for the multiagency agreement. Mr. Williams thanked the Board for the support of the parks. He said he works with the Upper Allen Township Park and Recreation Committee, and he gets to see the funding that is approved and you can see it in the parks. He also thanked the Board of Commissioners for saving the farm on McCormick Road.

Commissioner Anderson thanked Mr. Williams for the work that he puts in for the Park and Recreation Committee.

CONSENT AGENDA

Commissioner Cochran made a **MOTION** to approve the Consent Agenda as follows, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Consideration/Approval of Staff Reports
Consideration/Approval of Bills in the Amount of $1,630,727.02

PUBLIC SAFETY COMMITTEE

POLICE DEPARTMENT UPDATE

Chief Parsons shared that Lieutenant Barnes and he met with Dr. Leidy from the Mechanicsburg School District and their newly hired Supervisor of Student Affairs and Safety, Nicholas Wilson. They introduced him to the Township Detectives.

FIRE DEPARTMENT UPDATE

Chief Shumberger shared that there were 60 calls last month. The average turnout has increased to 9.7. They will be doing the final inspection on the new ladder truck next week. It will be here in two to three weeks. It will be in service after the equipment is mounted. The old ladder truck is sold and will be going to Minnesota. The Borough of Mechanicsburg and Lower Allen Township will bring out their ladder truck while our ladder truck is not available.

PLANNING AND ZONING COMMITTEE

Consideration/Action of a Certificate of Appropriateness for 443 McCormick Road

The property owner of 443 McCormick Road has made an application for a Certificate of Appropriateness to replace their roof. The property is located within the Township's Low-Density Residential (R-1) Zoning District and the Yellow Breeches Municipal Historic District.

Ms. Boyer said that HARB reviewed this application, and they did not have any issues and recommended that their Certificate of Appropriateness be issued.

Phil Walsh, of 443 McCormick Road
Mr. Walsh shared a sample of a cedar shake.

Commissioner Walter made a **MOTION** to grant a certificate of appropriateness to Mr. Philip Walsh to replace the existing cedar shakes on the roof of his home at 443 McCormick Road with new cedar shakes. All work is to be in accordance with applicable building codes and ordinances and in accordance with the building design and specification as submitted and reviewed by the Historical Architectural Review Board, **SECONDED** by Commissioner Cochran. The motion carried unanimously.

Consideration of a Zoning Map Amendment for 403 Grantham Road, Messiah University

Messiah University ("Applicant") is requesting a zoning map change to one of their properties. They would like to rezone the property at 403 Grantham Road, Tax Parcel #42-30-2112-029EX, from Medium Density Residential (R-2) to Institutional (INS). The Applicant has stated the reason for their request is to have this parcel of land rezoned the same as the other adjoining properties owned by the University.

Steve Sproles of Derck & Edson Associates representing Messiah University was present.
The parcel was shown on the screen.

Ms. Boyer said that once it goes to both Planning Commissions, it will come back to the Board of Commissioners for consideration to establish a public hearing that we will need to advertise. It is a map amendment so we will need to post the property, allow a 30-day public comment period. We will have the public hearing before action can be taken to amend the zoning map. Abutting properties will receive notice. Information will be posted on the Township website.

Commissioner Anderson made a **MOTION** for appropriate Township staff to forward the Applicant's request to the Planning Commission and the County Planning Commission for their consideration, **SECONDED** by Commissioner Walter. The motion carried unanimously.

PUBLIC IMPROVEMENTS COMMITTEE

Consideration/Action to Reduce Financial Security and Establish Maintenance Financial Security for Public Improvements for Autumn Chase PRD, Phase I, UAT File # 15-12-18

The Township has received a request from the Developer of Autumn chase PRD that the Township accept the streets and associated facilities in Phase I. The streets are North Autumn Chase Drive and Ashwood Lane. The Developer has also submitted an easement agreement to allow the appropriate Township staff to utilize private streets, since Ashwood Lane will end at a private street (N. Fall Harvest Drive). Per Resolution 998, Township policy states the Board of Commissioners may consider or act upon such requests between April 1st and October 31st5 of each year.

Ms. Boyer said that at the time the meeting materials were prepared, there were still a few outstanding items. We did receive new plats and legal descriptions, which must be reviewed for

completeness. We also received updated as-built plans, which are under view. Ms. Boyer talked to Joel McNaughton about the sediment basins as some are not complete. We need an updated bond. There is a storm sewer manhole cover that is too low and needs to be repaired.

Commissioner Cochran said that where North Autumn Chase meets Ashwood Lane, there appears to be a channel. There is a four-to-six-inch channel that comes down in between those two streets in the road. As you drive over it, you notice it. Mr. Reichard was onsite and said that what they are doing is maintaining the curb line on North Autumn Chase down towards Hertlzer road so the collection system converts water to carry through that intersection.

President Martin expressed concern at getting the supporting documents in a timely manner. Ms. Boyer said that typically if the Township is getting something that they need to review, we are going out several weeks before a Board meeting. The developer wanted to get this one on the agenda because we do not accept streets past the end of October. We are at the last meeting in October for consideration to accept streets, but it does not mean that the Board has to adopt the Ordinance tonight. This meeting would be to consider whether we want to accept the streets and then advertise the Ordinance. At this point we are in a predicament where we still need to do review and look at the manhole issue. President Martin asked what the downside would be if we do not accept the streets and then come back and accept it in the Spring. Ms. Boyer said that the streets would remain as private streets, so it would continue to be the developer's responsibility to maintain and upkeep the streets. School buses could not utilize the roads if they were privately owned. President Martin said they cannot do that now. Ms. Boyer said that is correct, but it would continue for several more months. Commissioner Cochran was concerned that if we take a portion of Ashwood Lane now, there would be nowhere to go with snow other than to push it onto a private street. The street beyond is going to remain private. Ms. Boyer said North Fall Harvest Drive does not have a wearing course on it and is still being used as a construction entrance. Commissioner Cochran stated that if we elect to go ahead, he would like to see that portion of Ashwood Lane taken out.

Joel McNaughton of Hertzler Road Associates
Mr. McNaughton said that we started this dedication process months ago and we are trying to address comments and get the documents as clean as possible. The reason they did not pave portions of North Fall Harvest Drive is that it serves as a construction entrance to the future phase. We would have liked to pave it and dedicate it, but it was not desired because of the construction entrance. The reason for being here tonight is for the school district. The residents are asking us to get the street dedicated so we can get the school bus into the site. They currently stop on Hertlzer and everyone walks to the stop. President Martin asked about Commissioner Cochran's observation about Ashwood. Mr. McNaughton said that makes sense as there is nowhere to go with the snow. President Martin said it would not be that far for kids to walk. Mr. McNaughton agreed, as there are not many homes on this small stretch of road.

Commissioner Cochran made a **MOTION** to hold the existing financial security in the amount of $123,541.00 for the remaining improvements in Phase I of Autumn Chase PRD, Upper Allen Township File #15-12-18. No further reductions shall be granted at this time., **SECONDED** by Commissioner Castranio. The motion carried unanimously.

Commissioner Cochran made a **MOTION** to accept the Maintenance Financial Security amount

of $254,044.95 minus any amount for Ashwood Drive and require the Developer to provide the appropriate security to ensure the integrity and functioning of the street and associated facilities. The expiration date shall be 18 months from the date of adoption of the ordinance to accept the streets (after the meeting, the amount was determined to be $237,851.70 after the removal of Ashwood Drive), **SECONDED** by Commissioner Castranio. The motion carried unanimously.

Commissioner Cochran made a **MOTION** to consider an ordinance to accept North Autumn Chase Drive as a public street with a time limit being imposed, requiring that all outstanding items be provided in an acceptable form to the Township no later than October 27, 2023.

Outstanding Items were:

a. There is a storm sewer manhole near the intersection of Ashwood Lane that is too low. It must be brought up to an acceptable grade that is acceptable to the township engineer.

b. Plats and legal description. The latest revision, submitted October 17, 2023, is currently under review to address outstanding issues provided to the developer.

c. Deed of Dedication. Once the plats and legal descriptions have been deemed complete, an amended signed and sealed deed of dedication, including plats and legal descriptions for North Autumn Chase Drive must be submitted.

d. As-built Plan. The latest revision, submitted October 17, 2023, is currently under review to address outstanding issues provided to the developer. Once the as-built plan is deemed complete, please provide three paper copies, one PDF, and an .dwg file of the final signed and sealed as-built plan.

SECONDED by Commissioner Castranio. The motion carried unanimously.

Consideration/Action to Reduce Financial Security and Establish Maintenance Financial Security for Public Improvements for Winding Hills PRD, Stage 7, Section II, UAT File # 21-03-01
&
Consideration/Authorization to Advertise for Dedication of Public Streets in Winding Hills PRD, Stage 7, Section II, UAT File # 21-03-01

Vice President Castranio shared that he would refrain from voting on this matter as he is employed by the Developer's engineer.

Ms. Boyer shared that at the time of the memo, there were some outstanding items that needed to be corrected. She spoke to the developer and confirmed with the Engineer and Site Inspector, those outstanding issues with regards to inlets and cracks in the sidewalk have been corrected. We are now in a position where we could move forward to accept the street. The as-built plan has been reviewed and deemed acceptable. The Deed of Dedication, plats and legal descriptions have been found to be acceptable and we have already determined the appropriate financial security that

is presented to the Board of Commissioners this evening. The only thing that we would wait on if this is to move forward is getting all the final signed documents.

Commissioner Walter made a **MOTION** to reduce the financial security for Winding Hills PRD, Stage 7, Section II, UAT File #21-03-01 from $82,676.00 to $6,186.40. Township staff shall release the current financial security to the developer after the developer provides an amendment to the current bond or posts with the Township new financial security in the reduced amount in a satisfactory form as provided for in the Subdivision and Land Development Ordinance. **SECONDED** by Commissioner Anderson. The motion carried 4-0. Vice President Castranio abstained.

Eric Fairchild of 1224 McCormick Road
Mr. Fairchild said he heard the term ordinance vs an advertisement for the dedication. He said he did not think it involved an ordinance. Ms. Boyer said the Township is adopting an ordinance when we accept the public street, and we have to advertise the ordinance before they can consider officially accepting it as a public street. What the ordinance does is not only puts it on official notice as being accepted as a public street, but also amends Chapter 233 of our Township Ordinances because we have different sections that relate to speed limits, stop signs, yield signs, do not enter signs and weight limits. The ordinance will officially reflect new streets being added in and those street signs, etc. Mr. Fairchild asked if that ordinance would be number 829. President Martin said it is an existing ordinance and that the next ordinance we would adopt is Ordinance 829. Commissioner Castranio said that it would not be tonight because we have to advertise the ordinance. Ms. Boyer said the number of the ordinance for adopting the roads would depend on whether another ordinance proceeds it. Mr. Fairchild asked if this would be separate from Autumn Chase and if there would be two advertisements and Ms. Boyer said yes.

Commissioner Walter made a **MOTION** to require the developer to post maintenance financial security in the amount of $57,604.50 to ensure the integrity and functioning of the street and associated facilities for 18 months from the date of adoption, **SECONDED** by Commissioner Anderson. The motion carried 4-0. Vice President Castranio abstained.

Commissioner Walter made a **MOTION** to consider accepting Smoke House Drive as a public street. The appropriate Township staff are authorized to advertise an ordinance to accept Smoke House Drive as a public street and update Chapter 233 Vehicle and Traffic once all outstanding items have been provided to the Township and deemed acceptable, **SECONDED** by Commissioner Anderson. The motion carried 4-0. Vice President Castranio abstained.

SANITARY SEWER SYSTEM

There were no items for discussion.

ADMINISTRATION

BUDGET UPDATE

The information presented in this report is based on historical numbers generated in 2020, 2021, 2022 and year to date 2023. In this report I will focus on the two main operating funds (General and Sewer Operating).

At the end of September, General Fund Revenues of $1.36MM exceeded Expenditures (all expenditures plus transfers) of $614K by $745K. This matches prior years trends, with 2023 exceeding net position 4 of the last 4 years. Revenues in September were mostly made up of Local Enabling Taxes (mainly Current Year Earned Income Tax), a Act 205 State Aid, and building permits are still coming in steadily. Most expenses were personnel and insurance related.

The Sewer Operating Fund had a decrease in net position in September of $166K.This matches prior year trendlines. An increase in net position is expected over the next couple of months as sewer billing goes out in October. Most of the revenues collected were sewer rentals. Most of the September expenditures were personnel and insurance related.

At this point in 2023, the Township expenditures are being managed within budgetary constraints. None of Upper Allen Township's Funds are currently in risk of operating in a deficit; all funds' revenues (Revenue plus Fund Balance) exceed expenditures.

PARK AND RECREATION COMMITTEE

There were no items for discussion.

MISCELLANEOUS

SOLICITOR UPDATE

There was no report.

TAX COLLECTION COMMITTEE (TCC) UPDATE

There was no report.

CAPITAL REGION COG UPDATE

President Martin shared that they suggested that if we need salt to purchase it this year. Mr. Fraser compiled a five-year history he will share with the Board. The salt bins are currently full.

MUNICIPAL ADVISORY BOARD (MAB) UPDATE

There weas no report

PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS (PSATC) UPDATE

Commissioner Anderson was unable to attend the conference.

PUBLIC COMMENT

Commissioner Cochran said that he has become aware of a website "saveupperallen.com" and he believes the owners are here this evening. He said there were some comments on there that seemed to be confusing. He wanted to put it on public record what the Township's stance was.

Commissioner Cochran said the first comments were about zoning. The entire Township was rezoned in 2017 with little awareness and zero public comment at the required hearing. Commissioner Cochran said that statement was partially correct, there was no one at the required public hearing, no one chose to attend. The public awareness seems to be a bit of a stretch. In December of 2015, Commissioner Cochran said the Township formed an ad hoc focus group to provide input and recommendations on the Township's proposed zoning ordinance amendment changes. From January to May of 2016, the Focus group met to discuss draft language, provide input and make suggestions. On September 15, 2016, we submitted proposals to Cumberland County Planning Commission for review. Starting on October 31 of 2016, continuing November

28, 2016, January 30, 2017, March 27, 2017, April 24, 2017, and June 26, 2017, zoning was topics of the Planning Commission at each of those meetings. On September 6, 2017, a presentation was made at a public meeting before the Board of Commissioners. On September 20, 2017, further discussion was handled at the Board of Commissioners meeting, and we then scheduled the public hearing to be November 13, 2017 at 6:00pm. November 13th was not part of a normal Commissioners' meeting, but that date was set aside so that people who simply had an interest in this could come and not have to wait through anything else and talk about the zoning – no one showed up. On December 20, 2017, we adopted Ordinance 771 which was the zoning ordinance. That is what we did to make sure the public was aware of it.

There is a section on finances and Commissioner Cochran said it seems to talk mostly about Mechanicsburg Area School District. Upper Allen's property tax millage rate has doubled in the past 10 years. That could be, he did not check, but if it is, it is not because of Upper Allen Township. The annual budget now exceeds $25 million, that is correct. Then it starts talking about Mechanicsburg School District. He said he is sure Mr. Fairchild is aware as he served on a school board that municipalities have nothing to do with school spending and have no input whatsoever to them. He had available to hand out copies of what the Township has done as far as taxes here in the Township for the last 10 years. We went from 1.6 mills in 2013 to 2.65 mills in 2023. It further goes on to talk about costs that are outpacing revenues are being funded with debt. He said the Township never funded ongoing costs with debt and our debt is actually in a much better position than it was 10 years ago. In 2012 we have $8,141,000 in government debt, that is the actual public debt. We had $19,050,00 in business like debt, that is sewer debt. Since sewer is a separate business, and not necessarily part of government, it needs to be reported separately. That was for a total of $27,191,000 that was 2012. Today, we have $8,468,000 which is about $370,000 more than we had in 2012 in government debt and $6,602,000 in business like debt which is about $12 and a half million less. We have gone from $27,191,965 to $15,070,173 so we have not increased our debt whatsoever, so he is not sure why you are listing school board debt as something that is controllable by the Township and it is not.

Commissioner Cochran said that Mr. Fairchild chose to attack him stating that Upper Allen Township has spent countless dollars on soccer fields often used by Keystone FC Soccer Club, run by the son of a commissioner. Yet, total field rental revenue was only $7,175 in 2021. Actually, in the last 5 years, the Township has spent $58,670 directly related to soccer. In that same period, $68,000 was spent directly related to baseball and $163,233 was spent directly related to softball. He said he has no relation to anyone in softball. The majority of the funds the township invests in general use expenditures such as playgrounds, paths, parking areas and comfort facilities. He does not know where the thought comes from that somehow, we are enhancing soccer because it is related to me or my family. That is not what the numbers show. He said he would be happy to answer questions and he had copies of information for anyone in the audience who wants it.

Eric Fairchild, of 1224 McCormick Road
Mr. Fairchild said that we were all together at the Meet the Candidates night several weeks ago and that some of these comments were made by him then. Mr. Fairchild said that Commissioner Cochran did not challenge them. The financial figures come from that Annual Comprehensive Financial Report that the Township files. The zoning regulations drive the development, the development drives the finances of the Township and of the School District and the much bigger tax bill that everybody gets is the School District. Maybe the point Commissioner Cochran was

missing in that paragraph or maybe it is poorly worded when you do anything for campaign, you have to keep shrinking the words to make it readable to the public. It was the school district debt that has quadrupled in the four years. He said he is aware that the Township debt is lower. President Martin thanked Mr. Fairchild for clarifying that. Mr. Fairchild said he had trouble launching that website and intends to have a lot of the supporting information which mainly comes from that comprehensive financial report which he thinks is good in that it looks at a 10-year period that you can really see trends.

Commissioner Cochran said he has the 10-year debt and tax numbers here if you want them. Mr. Fairchild said they are in that report too, but they are outweighed by what is happening at the school district in my mind, at least on the debt side. Commissioner Cochran said the Township does not have any control over that. Mr. Fairchild said he thinks you do in terms of development and your policy.

Commissioner Walter made a **MOTION** to adjourn the meeting at 7:50 pm, **SECONDED** by Commissioner Anderson. The motion carried unanimously.