

MINUTES
UPPER ALLEN TOWNSHIP
BOARD OF COMMISSIONERS REGULAR MEETING 1 – 6:30 P.M.
May 4, 2022

COMMISSIONERS

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

TOWNSHIP OFFICIALS

Scott Fraser, Township Manager
Kelly Palmer, Assistant Manager
Andy Parsons, Chief of Police
Jennifer Boyer, Staff Planner
Barry Cupp, Sewer Dept. Manager
J. Stephen Feinour, Solicitor
Tom Shumberger, Fire Chief

CALL TO ORDER

President Martin called the Board of Commissioners regular meeting to order at 6:32 p.m. A moment of silence was held, and the Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Fraser. Commissioner Castranio was absent.

CONSIDERATION/APPROVAL OF MEETING MINUTES

President Martin asked for any comments or corrections to the Minutes of the April 6, 2022 Board of Commissioners meeting. There were none, and Commissioner Cochran made a **MOTION** to approve the Minutes of the April 6, 2022 Board of Commissioners meeting, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

PRESIDENT'S ANNOUNCEMENTS

There will be an executive meeting following this meeting to discuss labor and contract issues. The Capital Area COG that was the recipient of the SAFER grant for 21 fire companies in a four-county area for retention and recruiting has been released. Commissioners Cochran and Walter attended the presentation event.

PRESIDENT'S RECOGNITION OF VISITORS

Matt Lena, Engineer for HRG shared a slide show regarding the replacement of the North Grantham Bridge. The bridge spans Upper Allen Township in Cumberland County and Monaghan Township in York County as it goes over the Yellow Breeches Creek on N. Grantham Road. It is a two-span bridge that hosts 1,000 vehicles daily. The new bridge will have the same alignment. There will be a replacement of existing guiderail on the bridge approaches and reconstruction of the roadway approach travel lanes and shoulders. It is a non-load restricted bridge. It is a federally funded project so they need to follow PennDOT guidance and go through environmental clearances. It is a full bridge replacement and will require a detour during the 8-month project that is scheduled to take place Spring 2025 through Fall 2025. Watercraft traffic will be permitted during construction in three phases. Phase one, they will build the northern side of the bridge and maintain watercraft on

the southern side of the bridge. Phase two, that will be flipped. During phase three, they will have portage, signs to get out and hand carry their canoes or kayaks around the work area and place them on the other side of the bridge. The project is estimated to cost \$3,100,000.

Discussion occurred regarding how this project was going to be conveyed to the community. Mr. Lena said he was meeting that need through this meeting and one they have scheduled in Monaghan Township. President Martin advised him that they need to have more public facing meetings where they invite the public as this is not an Upper Allen Township project. President Martin said that he is strongly advocating that HRG take a proactive stance and try to inform the community about what is happening. Commissioner Cochran said that the Township has experience with this as just up the street from this was the Mill Road Bridge that the Township had to replace. The Township shut down that road for almost a year and we got a lot of comments, and most were from the Monaghan side. He also said that they should reach out to emergency services in the area as the detour will have a large impact on them. Commissioner Anderson shared concern about people outside of Upper Allen and Monaghan Townships developing awareness of the project. Mr. Lena stated that they follow the PennDOT process for public involvement and every project has a different level of public participation. PennDOT suggested that HRG present at a regularly scheduled public meeting for both municipalities and HRG is using this meeting to meet the requirement for Upper Allen Township.

Ken Thornton, 612 Wingert Drive, Mechanicsburg, suggested moving the bridge downstream further. Mr. Lena said it would involve some substantial railway reconstruction, impact people's properties and utilities and the project cost would go up.

Robert Staiger, 796 Cottage Brook Lane, addressed the approval that was given to ModWash. He stated that the traffic study done at the Aqua Duck car wash across the street could not compare with the traffic that would be at ModWash. He shared that the Aqua Duck could do 6 to 12 cars an hour. He said that ModWash wants to do 120,000 cars a year, not 15,000. Mr. Staiger believes that what ModWash showed the Township is not what they showed the bank. Mr. Staiger is affiliated with Capital City Car Wash and the high number of cars they see in one year is 52,000 and he believes that for ModWash to be able to pay their bills, they will need to put through 1200 cars a day. He expressed his concern about the intersection of Kim Acres Drive and 114 and that Kim Acres Drive will turn into a highway. He believes it will put a strain on the police and he wants to know who will pay for a traffic light and updates of the intersection. Commissioner Cochran and Commissioner Anderson brought up the question of traffic congestion to ModWash and they responded that they can speed up the process for each vehicle and that they will have three people working at all times to help with the flow. Ms. Boyer said that the Township had the traffic study reviewed by their traffic engineer. Ms. Boyer also spoke with the Township solicitor and was told that there are no additional steps that the Township can take at this time. Mr. Staiger stated that ModWash was deceiving the Township about how much traffic will be created and why if they are already dealing with the Township in poor faith, why can't it be stopped now? He asked who would pay for widening the 4-way stop, tax dollars or ModWash? President Martin thanked Mr. Staiger for raising the question and said that the Commissioners will discuss it further. Commissioner Cochran stated that ModWash's Engineer and the Township's traffic engineer use the same ITE Traffic Engineering Book that is used as a standard in the industry.

CONSENT AGENDA

There were no items for discussion.

PUBLIC SAFETY COMMITTEE

Leon Crone was sworn in as a 2nd Alternate to the Civil Service Commission.

CONSIDERATION/APPROVAL FOR CHIEF PARSONS TO PARTICIPATE IN ACCREDITATION ASSESSMENTS AS AN ASSESSOR FOR THE PENNSYLVANIA LAW ENFORCEMENT ACCREDITATION COMMISSION (PLEAC).

Commissioner Walter made a **MOTION** to approve Chief Parsons participation in accreditation assessments as an assessor for the Pennsylvania Law Enforcement Accreditation Commission, **SECONDED** by Commissioner Cochran. The motion carried unanimously.

REQUEST FOR APPROVAL OF COLLEGE COURSE WORK FOR OFFICER ROBERT POWERS.

Commissioner Walter made a **MOTION** to approve college course work for Officer Robert Powers, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

FIRE DEPARTMENT

Chief Shumberger shared that the first Chicken BBQ will take place at Country and Town Baptist Church on May 14th.

PLANNING AND ZONING COMMITTEE

HARB CASES FOR MAY 10

There are no cases scheduled.

ZONING HEARING BOARD (ZHB) CASES FOR MAY 12

917 Tolman Street. The property owner is seeking a variance for a driveway which exceeds the maximum allowable slope of 15%. Commissioner Cochran asked if the driveway was in error when they brought the plans in. Ms. Boyer said they knew it but built it anyway. The township does not do inspections, it is on the builder. Ms. Boyer said the owner wants it on the record if they ever go to sell it that the Board says it is ok. President Martin said that it feels backward to have a builder not comply with an ordinance and then ask for forgiveness. Ms. Boyer said there has been conversation between Roland and the property owner that they are trying the route of seeking a variance. Another home was raised up and it was expensive to raise the house up to meet the grade.

12 Pocono Drive. They are seeking a variance to allow an extension of the house into the front

yard setback.

**CONSIDERATION/ACTION OF ORDINANCE TO REPEAL AND REPLACE
CHAPTER 26; AMEND CHAPTERS 112 AND 217;
AND REPEAL CHAPTERS 83 AND 192.**

On April 20, 2022, the Board of Commissioners authorized the advertisement of an ordinance to repeal and replace Chapter 26, amend Chapters 112 and 217, and repeal chapters 83 and 192. The ordinance was advertised on April 26th in the Carlisle Sentinel Newspaper. A copy of the advertisement is on file at the Township building. The ordinance was also delivered to the Cumberland County Board of Commissioners' office for their records, and the ordinance was posted on the Township's website.

To recap the amendments, Chapter 26 (Fire Marshal/Fire Prevention Officer) is being repealed in its entirety and replaced with Chapter 26 (Fire Prevention and Protection). Chapters 83 (Alarm Systems) and 192 (Public Safety Radio System Amplifiers) and being repealed and consolidated into the new Chapter 26. Chapter 112, Section 112-8.F will be revised to eliminate redundant and outdated language, which will now be addressed in Chapter 26.

Finally, an amendment to Chapter 217 (Streets and Sidewalks), Article I (Street Openings and Excavations) will address an ongoing concern about settling of paving material from street opening projects. The Township's Standard Construction and Material Specifications identifies compaction testing requirements, which we use for other Township and development projects. This amendment will now require compaction testing of material be performed on all projects with a Street Opening Permit.

Commissioner Anderson made a **MOTION** to approve Ordinance #818 to repeal and replace Chapter 26 (Fire Marshal/Fire Prevention Officer), amend Chapter 217 (Streets and Sidewalks), Article I (Street Openings and Excavations), and repeal Chapters 83 (Alarm Systems) and 192 (Public Safety Radio Systems Amplifiers). This ordinance shall take effect immediately. **SECONDED** by Commissioner Walter. Motion was approved unanimously.

SIGN ORDINANCE

Commissioner Cochran wanted a consensus on how to look at what has been proposed regarding the Township's sign ordinance and wanted to know what the Township staff recommends. Ms. Boyer has a working group that will put together a response to the proposal to share with the Commissioners.

PUBLIC IMPROVEMENTS COMMITTEE

There were no items for discussion.

SANITARY SEWER SYSTEM

GHD and representatives of equipment manufacturers are working at the sewer plant to obtain

measurements to develop a base plan to prepare a more accurate proposal.

ADMINISTRATION COMMITTEE

CONSIDERATION/ACTION OF AN AMENDMENT TO THE SUEZ CONTRIBUTION AGREEMENT

We are finalizing our Agreement with Veolia (formerly known as Suez) for the new water tank that will be placed on the property at 1721 South Market Street. During the November 17, 2021 Board of Commissioners' meeting, the Board agreed to contribute towards the new tank and associated facilities that are part of a new Upper Allen Township pressure zone within Veolia's water supply system. The Board agreed to:

1. Match the school district's cash contribution, not to exceed \$500,000. The school district has contributed \$450,000.00
2. The Township must retain exclusive rights to put a logo and/or name of the Township on the new water tank.

On March 25, 2022, Veolia conveyed they will not permit exclusive rights for signage on the water tank, and the Township must remove the term "exclusive rights" from its agreement. This change is not one that had been discussed previously with Township staff nor the Commissioners. The Township conveyed that it would like exclusive right to have signage on the water tank several times, including on:

1. October 22, 2021, staff conveyed the Township's desire to retain exclusive rights for signage on the water tank.
2. November 1, 2021, representatives from the Township expressed desire to retain exclusive rights for signage at a group meeting with all contributors and representative Sheryl Delozier.
3. November 18, 2021, staff conveyed the Board of Commissioners' official decision of its contribution.
4. February 7, 2022, staff asked Veolia representatives again if the exclusive rights were okay, to which said condition was affirmed and staff was told where to insert the language into the Contributor Agreement.

The school district also expressed interest in putting the school's logo on the new water tank. After speaking with Veolia, they agreed that both organizations should have a right to install signs/logos, especially since both the school district and the Township are the two largest contributors of this new water tank district. Veolia has provided the Township with a licensing agreement to review and execute before a sign would be permitted on their water tank. Veolia would charge us the actual cost to apply the sign (in addition to the \$450,000 cash contribution, but no additional rental or placement fees).

The licensing agreement was received on April 27th and is currently under review by both staff and the Solicitor. Regarding signage on the water tank, most signage of the Township or school district

would be viewed as a governmental sign not subject to regulation under the Township's Zoning Code. Veolia would also be permitted to have some signage on their property, and it could be subject to Township zoning regulations. However, a private entity wanting to add a sign to the tank or advertise at the water company's property would have to comply with the Township's Zoning Code. Under current regulations, off-premises advertising would not be permitted. The Solicitor is reviewing the sign issue further.

Art Saunders of Veolia said that they were upfront that the Township can put a logo on the water tower, but as they are a regulated utility controlled by the PUC, any right they give to one entity, they have to give that same right to other public entities. They can give a license agreement to put a logo on the tank, but it is not exclusive rights. Commissioner Cochran asked if the Township could pick where it goes, and Mr. Saunders said yes.

President Martin stated that the licensing agreement was never brought up. Mr. Saunders said that neither was exclusivity. President Martin said it was mentioned at two meetings and it was in the first agreement. He said he does not know if the meetings were taped, but the Township asked for exclusive rights from day one, there were nods of heads and the Township was given assurance that it was. The school never mentioned that they wanted to have a sign. Mr. Saunder said he was not at the meeting and that Veolia can do the license agreement with the Township.

Commissioner Walter asked Mr. Saunder if the Township was not contributing money, would the Township still have the chance of a licensing agreement. Mr. Saunder said it has nothing to do with contribution and that the contribution does not give you exclusive rights to the tower and they are two separate issues. Mr. Saunder said that the Township would need to come and request to have their name on the tower.

President Martin said that he liked the idea of the new water tower from day one as it gives capacity that will help in the future.

Commissioner Cochran said that he bought into the idea because it was helping the school, but has learned that the problem has already been solved. Mr. Saunders replied that a safety device was removed and that was temporary and that once the tank goes in, the safety device will have to go back in.

President Martin said that he was under the impression it was an engineering issue regarding pipe size. Mr. Saunder said that was partly true.

Commissioner Anderson asked Fire Chief Shumberger if he was aware of this and he said no. Commissioner Anderson said the fire company needs to rely on the pressure. Chief Shumberger said that two pumps have passed the test.

President Martin wants to get the license in, reserve the space on the water tank, then adjust. Mr. Saunder said that as soon as Veolia gets the forms from the Township, they can complete the agreement. He also said that the tower would be up by November.

President Martin said they would talk about the agreement in executive session.

Eric Fairchild of 1224 McCormick Road asked what size the tank was. Mr. Saunders said 300,000 gallons and that it is a center column with a ball on top. Mr. Fairchild asked why they are using tax dollars to help a regulated utility. Mr. Saunder said that the whole area is served with public water and that it is needed to support the school fire system. President Martin said it sustains existing residents and schools in our area.

MISCELLANEOUS

There is a pension meeting 7:30 p.m. on Monday, May 9.

Mr. Fraser shared that in March, the bargaining unit employees of the Upper Allen Township, non-uniform employees voted to decertify AFSME as their representative union. That has taken effect after the appropriate waiting period. Currently the employees represent themselves. President Martin shared that there were some adjustments made to salaries because of the fact that we did not have a contract for over a year, they got no adjustments in wages until after the decertification was official when we no longer had to negotiate any kind of pay adjustments with the union.

PARK AND RECREATION COMMITTEE

Township employees, Tom Baily and Dave Sowers are retiring. We already have a public works employee looking to transfer over and a part-timer looking to go full-time.

MISCELLANEOUS

SOLICITOR UPDATE

There was no report.

TAX COLLECTION COMMITTEE (TCC) UPDATE

There was no report.

CAPITAL REGION COG UPDATE

There was no report.

MUNICIPAL ADVISORY BOARD (MAB) UPDATE

The meeting has changed to May 24. President Martin will attend.

PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS (PSATC) UPDATE

Commissioner Anderson spent a day lobbying on the hill. The house is interested in House Bill

606, Local Use of Radar, but they will not vote on it until they can win. Commissioner Anderson said that everyone is in favor of it, but no one wants to commit.

The Association discussed modernizing advertising so that it can be on websites and not rely on newspapers.

They also discussed prevailing wage.

Saturday, May 21, the Central Region of State Association is meeting in Harrisburg.

PUBLIC COMMENT

Debbie Goetz, of 1117 McCormick Road, expressed her concerns about the proposed uses of the 1215 McCormick Road property. She stated that the perimeter should be a planted buffer zone not to be utilized by pathways and onlookers. She said that loud noises are disruptive to wildlife and asked how nature could blend with the BMX track and pump track. She also expressed her desire to have the Township purchase more open space to fulfill the shortfall of open space ratio per resident. She believes that Aspen Park could be a space for the BMX track/pump track. She stated that the majority of open space in the Township is devoted to younger crowds and 50+ have not been considered and wants a park catering to that demographic. She wants to see the property be a totally passive place.

Ms. Goetz asked if there were plans for Aspen Park. Commissioner Cochran told her that there are power lines at that park and use is very restricted. President Martin told Ms. Goetz that if she is aware of any more tracks of land to purchase, she should let the Commissioners know. She suggested the Banzhoff track.

Ms. Goetz asked that additional written comments she had be included with the minutes. They are attached at the end of this document.

Eric Fairchild, 1274 McCormick Road, shared an article dated August 17, 1860 advertising the 1215 McCormick Road property.

President Martin recessed the meeting into executive session at 8:30 p.m.

EXECUTIVE SESSION

NEXT ORDINANCE: 818

NEXT RESOLUTION: 1071

May 4, 2022

To all of the concerned parties:

Please enter my thoughts concerning The Lambert Farm and the parks of Upper Allen Township into the publicly recorded Minutes under Public Comments for the next meeting of the Parks and Recreation Board and into the publicly recorded Minutes under the Public Comments section for tonight's meeting of the Board of Commissioners. Thank you.

My name is Debbie Goetz and I live at 1117 McCormick Road, Mechanicsburg, PA 17055
My family has lived on McCormick Road for 38 years.

I am not privy to the financial details of the township, but have noted that developers regularly pay the township cash in lieu of dedicated open space. This cash is earmarked for open space and the recreational enjoyment of the residents. I, as well as many other residents, strongly support more open space within the township.

There is currently a unique opportunity for the township. The **Banzhoff property**, with acres which was approved for the development of 9 single-family homes and 54 townhouses, is currently on the market listed for sale. I strongly support the township's use of the earmarked funds from past and ongoing developments to purchase the Banzhoff property for an active waterfront park. It would provide acres of public open space to safely accommodate the many residents and visitors who wish to enjoy the Yellow Breeches Creek.

If it worked out, a "Banzhoff Park" could solve current ongoing problems in the township.
---The Banzhoff property creek frontage would create a safe and manageable YB Water Trail creek access point. There could be a designated put-in and take-out area away from those enjoying a swim in the creek. There would be plenty of parking for cars, trucks, and trailers.

—The Banzhoff property borders US15, so people could have fun on the creek and in the park without disturbing neighbors. People could have easy access to parking spaces and space to enjoy the creek without the fear of a family member being run over by a car. And yes, those of us who live and quietly recreate on McCormick Road could get "back to normal" and actually go for a walk or ride our bicycles in the summer without fear of being run over by a speeding truck and trailer shuttling kayakers and tubers.

—Tubing Run—The expansive creek frontage within the Banzhoff Park could make a unique YB tubing run completely within the park where users get in upstream, float down, and walk back to their picnic table or back to the beginning of the run to ride again-- creating a water and land loop. I even envision a beach-like setting along the shoreline.

—Picnics—The property could become dotted with drive-up shaded picnic tables for individual families, providing ample space for grilling and playing their own games of ladder golf and corn hole at their picnic site. In addition, there could be a few larger covered pavilions with multiple tables that could be reserved for group gatherings or open for lots of individuals to enjoy during their time at the park. Because of the gentle slope of the land, most of the picnic spots would have a beautiful, expansive view of the creek.



—Sports—The upper most portion of the Banzhoff property would be perfect for additional outdoor, mostly unscheduled sports activities with plenty of space for safe parking. Designated sports' courts could include tennis, pickleball, sand volleyball, bocce ball, and horseshoes. These could be located in the upper section next to ample parking to support the activities. The steep slope could even become a rock climbing wall for the more adventurous participants. Maybe there is even space for a zip line.

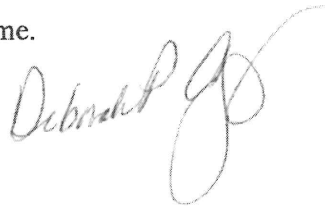
—Food—Concession stands could be run by local non-profit groups to help support their causes or just have a rotating schedule of food trucks from our area. Maybe someone with entrepreneurial spirit will resurrect a food truck for Maggie's Italian Ice.

Lots of possibilities. Most importantly, the Banzhoff property could become an open, yet controllable, safe environment where township residents could enjoy the beautiful Yellow Breeches Creek. To visualize my thoughts, just use the previously submitted development plan and replace the townhouses with picnic sites. The current lay of the land would make a beautiful park.

I certainly hope that we can maintain enough open space within the township for all residents to enjoy what they like to do in the great outdoors.

Please feel free to reach out to me. I welcome conversations with each of you.

Thank you for your time.
Debbie Goetz
717-514-4288

A handwritten signature in cursive script, appearing to read "Debbie Goetz", written in dark ink.