

**MINUTES
UPPER ALLEN TOWNSHIP
BOARD OF COMMISSIONER
6:30 P.M., February 21, 2024**

COMMISSIONERS

Kenneth M. Martin, President (absent)
Richard A. Castranio, Jr., Vice President
Virginia M. Anderson, Assistant Secretary
Eric Y. Fairchild, Assistant Secretary
Phil J. Walsh, Assistant Secretary

TOWNSHIP OFFICIALS

Scott Fraser, Township Manager
J. Stephen Feinour, Solicitor (absent)
Andy Parsons, Chief of Police
Jennifer Boyer, Comm Dev Dir (absent)
Barry Cupp, Sewer Dept. Manager (absent)
Jason Reichard, Engineer
Tom Shumberger, Fire Chief
Josh Bonn, Solicitor

CALL TO ORDER

Vice President Castranio 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. President Martin was absent.

PRESIDENT'S ANNOUNCEMENTS

There were no announcements.

PRESIDENT'S RECOGNITION OF VISITORS

There were no visitors here to speak about items that were not on the agenda.

CONSENT AGENDA

Commissioner Anderson made a **MOTION** to approve the minutes of January 17, 2024., **SECONDED** by Commissioner Walsh. The motion carried unanimously 4-0.

Commissioner Anderson made a **MOTION** to accept the consent agenda consisting of staff report and approval of bills in the amount of \$917,745.58 and a financial security reduction for Terraces at Shepherdstown as follows, **SECONDED** by Commissioner Walsh. The motion carried unanimously 4-0.

Commissioner Fairchild asked about a July 24th meeting with PennDOT regarding the light, a warrant for the signal at South Market and Despina Drive. Mr. Fraser said this light is in reference to the light that would be on Market Street in front of Legacy Park. It is in the plan. The Township has advocated for that light to be installed. PennDOT said that it will not be installed until the warrants, which is the requirements are met. At this point, nothing has changed. Commissioner Fairchild asked if there was a timeline for getting the light. Mr. Fraser said not until the warrants are met within the development, PennDOT was not going to put in a light and that it was possible it may never reach those warrants.

Commissioner Fairchild asked about the screw press installation being complete at the water treatment plant. Mr. Fraser said it was completed on February 2, 2024. Liquid sludge was stopped on February 2, 2024. Some of the sludge expenses we are still seeing are related to dry sludge, a couple overhang bills from 2023.

Commissioner Fairchild asked about defined contributions to the retirement plans. They showed up in multiple categories. He wanted to know if it was for the quarter or year. Mr. Fraser said that it is for the whole year. All non-uniformed employees hired after November 1, 2024 are in a defined contribution plan. The Township makes an annual contribution at 10% of their salary in January for the prior year for full time employees. It is made to US Bank who is the custodian of the accounts. Mr. Fraser said PFM manages and advises on the account, but they do not hold any of our funds.

Commissioner Fairchild saw the entry for the purchase of a Type 1 sound meter for \$1,124.14. He asked if the intent was just to buy the one. Mr. Fraser said the police returned the Type 2 meter and got a refund. They then purchased a Type 1. We are going to wait for a report back from them if they like this model we are going to purchase a secondary one for the Township offices we could also use for a back up unit for theirs as well. It would allow us to do daytime and non-emergency type monitoring to help residents meet the requirements of the ordinance.

Commissioner Fairchild asked about archive scanning at a cost of \$7,216.00. He asked what documents are being archived and how long they will be held. Mr. Fraser said we are digitizing large paper development plans, as-builts, items we have had in archive for any development. We will be able to pull it up through a digital format. We are doing Community Development now. We budgeted for Sewer to have all the sewer planning done. It will increase access.

Commissioner Fairchild asked about the PP&L Bill for Winding Hill Park in the amount of \$661.00 which seemed high to him given there is not a lot of activity this time of year. Mr. Fraser said that Winding Hill North was insulated and converted so that the bathrooms could be open all year round now. There is electric heat in there. It also includes the lighting for the parking lot and playground and any security features that pull from electric. The maintenance building is on a separate account. The offices are electric, and the garage is gas. The lights in the park are on timers.

PUBLIC SAFETY COMMITTEE

POLICE DEPARTMENT

Chief Parsons shared that he attended the Cumberland County Chiefs of Police meeting. We learned that Penn State Health is providing mobile crisis workers for an affixed 12-hour period every day. They are available to come out and assist the police department with calls for those dealing with mental health issues. We will begin to request their assistance as needed. Additionally, there is a three-county regional mental health center at the 1100 block of Cameron Street in Harrisburg that will serve Cumberland, Perry and Dauphin Counties. It will be a drop off where we can take someone, and they will treat them. Chief Parsons said the need is there and it looks like these health agencies and grant funded activity is addressing those concerns.

FIRE DEPARTMENT

Chief Shumberger said there were 41 calls in January with an average 8.85 turnout for volunteers per call. He shared that the Fire Department is hosting a Sportsman Show on March 23, 2024.

Commissioner Walsh if asked if they had a stockpile of AFFF foam that is slated to be used or disposed. Chief Shumberger said we have 125 gallons. The fire marshal arranged for Republic Services to pick it up on Friday. The cost is \$1,800, but it is better to get rid of it that way than to have an issue with it leaking.

PLANNING AND ZONING COMMITTEE

Consideration/Action for Preliminary/Final Land Development Plan for 2210 Aspen Drive. UAT File #23-11-01

Adam Anderson, of Site Design concepts, representing the final land development plan. Mr. Anderson shared that JoJo's Pizzeria exists on the site. The project includes a building addition of 1,970 square feet. There will be an outdoor patio area, sidewalk connection and a new parking lot off the side. They are proposing a new access drive going to Aspen Drive that is right across from Mimosa Drive. He said they have sub-surface stone infiltration beds for management of stormwater runoff. Utilities will be connected to public water and sewer as it is right now. Connections will be internal.

Mr. Anderson said they have a couple proposed easements. Currently there is an existing drainage easement that flows through the site, we are proposing to install a storm sewer system and reroute that easement to connect to the storm sewer in another location. There is also a ROW that they are proposing the Township vacate. Right now, it is a Township street ROW that juts into the property. The reason is that being a street ROW, the building set back lines are based upon that. When the building setback lines are based on that, the parking spaces must adhere to the building setback requirements, so it creates a very inefficient lot. He said they recognize that there is an existing storm sewer system in the street ROW so they are proposing a new storm sewer easement, so the Township has the ability to get in there and maintain it.

Mr. Bonn asked if they knew how wide the existing street ROW is. Mr. Anderson said it varies. Mr. Bonn asked how wide it is in the area they want to vacate. Mr. Anderson said he believes it is 24 feet and that matches the existing on the other side so it will make it a consistent width aligned with the street center line. Mr. Bonn asked that if the vacation occurs, the ROW would still be the minimum 50 feet. Mr. Anderson said that was correct.

Commissioner Fairchild asked how the ROW got that big. Mr. Anderson said that before S. Market came through, Aspen Drive was a main thoroughfare and that came up through discussions with staff.

Mr. Bonn said a concern he has about the procedure to vacate is that the Township has to hold a public hearing before it can vacate a street and that is not something the Township could accomplish this evening. There is a 10-day notice provision under section 2007 of the First Class

Township Code. Vice President Castranio asked Mr. Bonn that should they submit a vacation plat to the Township and officially petition that portion of Aspen Drive and then we hold a hearing? Mr. Bonn said the First Class Township Code was amended in 2000. There used to be a procedure for a petition to vacate a street and that does not appear to be the current procedure under first class township code. He said that after the hearing, there has to be a written report and it has to show the width of the street, the improvements, the name of the owners of property that the street shall pass through or abut. That report has to be filed with the recorder of deeds. That occurs after the hearing. It would be useful if the Township is going to act for that to be presented to the Township. He does not know if it needs to be in the form of a formal petition, but that information should be presented to the Township before the Township makes the decision to vacate. There would have to be a hearing. Vice President Castranio agreed.

Commissioner Fairchild said he would be comfortable if they asked for a waiver on the setback vs asking the Township to give up the ROW. Vice President Castranio said that if Aspen Drive is being constructed from, we would only have the ROW where the red line is on the plan. He said there was something in the past, that made it in excess of what is needed. He said he would not want ROW that the Township does not need.

Mr. Anderson said we felt it was cleaner to be able to make a center line and be able to provide the easement. Vice President Castranio said that in the past, this did come before us conceptually and thinks the Township thought it would be better to abandon. Mr. Reichard said he believed the Planning commission did show support for abandoning the ROW. He said it started at the staff level. At the widest point where Aspen Drive intersects with Kim Acres, it is almost 75 feet from center line to the south of the plan, so it is rather excessive. It does not serve a purpose for the Township as far as maintenance of the roadway and the public walkways within that proposed 50-foot area.

Vice President Castranio asked Mr. Bonn if the Township is abandoning that part of the road, would part of the hearing be notifying all the utility companies if they have any issues with us vacating, that they can come to the hearing to make sure it is ok to do so. Mr. Bonn said that was correct. Mr. Bonn said he does not think it is ready for a decision at this moment. He said that if the plan is contingent on abandoning, we cannot because we need to have a hearing. Vice President Castranio said the attorney is saying is that if you could grant us an extension to the plan, file the proper paperwork to abandon Aspen Drive so we can act on that.

Mr. Bonn said it would be the Boards decision at the public hearing to decide whether to vacate. They will have more information at that time. To accomplish it legally, we would need more time.

Mr. Anderson said he had a discussion with staff and with the Planning Commission about traffic being generated with the project. He said they are prepared with a traffic summary letter. The project was previously approved with two retail outlets and one restaurant. With the building addition, the two retail spaces are being eliminated to make room for a new restaurant. We looked at the impact of the retail replacement with a restaurant and we found that based on the ITE manual 192 additional trips would be generated with this project. Looking at the Township's ordinance, a traffic impact study would be warranted when you create 250 or more trips. It was our interpretation that a traffic impact study would not be required.

Vice President Castranio asked Mr. Reichard what staff recommended. Mr. Reichard said that in the packet on page 5, the traffic engineer, TRG, reviewed the request and in their summary, they felt that the site as a whole should be accessed whether or not a traffic study was required in that condition, it would generate greater than 250 daily trips. He said the planning commission was presented the option to only look at this addition and was presented a trip generation report to show that it was in the range of 195 daily trips, but the traffic engineer was recommending that because it is an addition to an existing complex and that the site functions as a whole, that that traffic impact study would be required. Mr. Reichard said he thinks it is a decision before the Board whether or not to accept a general trip generation report or whether the site should be treated as a whole and then require a formal submission of a traffic impact study.

Vice President Castranio asked if ModWash already studied South Market Street and Kim Acres Drive, did they do counts. Mr. Reichard said they studied the intersection, and it was shown that the level of services was a "D" and that the ModWash was not going to have a further negative impact at that time. In talking with TRG, he understands that this most likely will have a negligible impact on that level of services as well as South Market Street is the controlling generator itself as far as the level of traffic at that intersection. Vice President Castranio asked how that played with the Green Light Go Grant and if we are already studying that, are we changing it to look forward. He wanted to know if we required them to do a study, what is the impact, would it require an improvement? Mr. Reichard said he thinks the only improvement would be a reduction in a left-turn lane which would have a greater impact to McDonald's and some of the other facilities that are generating traffic. At the time, there was not interest in trying to pursue that because we thought it might cause more harm with the traffic pattern at that particular intersection. He said he does not believe it was not going to be warranted with ModWash and potentially with this development as well. A traffic study would be the only thing that would define that for sure.

Commissioner Walsh asked if the numbers were based on the use of the existing building in its entirety as a restaurant or do they have separate plans for the eastern half of that structure which has been vacant for a while. Mr. Anderson said that when the land development plan previously went through the process, it was approved for the restaurant and two retail spaces. The retail spaces are currently vacant.

Vice President Castranio said that in the trip generation, they are using 5,849 square feet as a restaurant, and asked if that includes the retail. Mr. Anderson said yes, it is the entire building. The vacant retail space will be used for the new restaurant.

Mr. Anderson said there are currently 60 parking spaces with another 48 proposed. Commissioner Fairchild said he saw a rendering for the new restaurant with 98 seats. He asked what outdoor seating capacity would be. Mr. Anderson said it is not determined at this time. We have accounted for 218 seats between the two restaurants which drives the parking spaces. Commissioner Fairchild thinks the number of seats would create more traffic. Mr. Anderson said that with the trip generation letter, the variable is square footage of a restaurant based on the traffic manual. The parking is based on seats.

Commissioner Fairchild said the ModWash did two traffic studies. He asked how much a traffic study costs; he is not looking to burden an applicant. Mr. Anderson said they cost \$10,000 and said that in his experience, unless there is something major that the owner would be responsible to

take care of, he is not sure what would come out of a traffic impact study that the Township does not already know. Vice President Castranio said he said if it was him, most of the work is done already. ModWash and the Township has done all the counts and everything for you, you can take that data and add your new items and analyze that. He said we had ModWash in here and we hammered them for a traffic study. He said that even though JoJo's has been a great neighbor, it is going to be hard for this Board to turn and say ok. He said they would not have to do the counts. He thinks it is just analyzing it and you go through the vacation process; you can do the traffic impact study and get that approved by the staff and he thinks everything else will be ready to go.

Commissioner Fairchild asked if the reports led to a retiming of the traffic light. Mr. Fraser said the study of the whole corridor may lead to that at some point.

Vice President Castranio said there were some issues on landscaping, but when he saw the plan there seems like there is enough to buffer the houses across the street from lights. It even seems excessive to him. Mr. Anderson said we have a couple modification requests. He said we understood with ModWash there were concerned neighbors and discussions about screening, noise, and lighting. We worked with staff and proposed a 25 ft wide easement along storm sewer, instead of 30 which allows us to install landscaping along this entire frontage from lights spilling onto the residents. We also have parking islands, one with a tree. A tree would not survive in that. We propose to plant that tree somewhere else on the sight. He said they scattered trees across the sight, but not in locations required by ordinance. There is also new landscaping in front of the building. They will move the arborvitae to the edge of the patio. They said they spoke with ModWash so they can work together. Mr. Anderson said they have a modification to reduce the light levels of their parking lot.

Chief Shumberger said the parking lot will be fine to accommodate fire trucks. He said the fire marshal requested a fire hydrant of Aspen Drive and Mimosa.

Commissioner Fairchild asked if the County Planning Commission had any comments. Vice President Castranio said they are addressed before they get to us. Commissioner Fairchild asked if JoJo's already has a liquor license. Mr. Purpura, the applicant, said they have a beer license that will extend to the restaurant, there will not be any hard liquor.

Mr. Anderson said the 30-foot Township requirement creates a very wide opening for a driveway just going into a parking lot. The existing is 15 feet. The 30 foot creates a very wide opening for a driveway when we are just going to a parking lot. It also creates a massive, paved area and in his experience, large areas of pavement tend to be more chaotic, when you can reduce and direct traffic, it makes for a better outcome. Mr. Reichard said the Township has been requiring the 30 feet. He thinks it is possible and that the applicant has demonstrated the ability to achieve it, is it less than desirable, but they did not identify any physical limitations that would prevent it.

Commissioner Anderson expressed her concern to keep youth in mind when designing the parking lot.

Vice President Castranio said the 30 feet seems excessive to him. The only issue he finds with the existing access is that there is someone that always seems to park across the street and maybe the Township would want to look having "no parking" along there.

Vice President Castranio said they should put the things they said tonight in writing.

Mr. Reichard said they are also requesting two deferrals for installation of the curbs along South Market Street and for installation of sidewalks along South Market Street. Those items have plan implications. Those deferrals were granted in the past and think they are requesting them again at this time. A deferral is not waiving the requirement, it is deferring it to a future date that the Board could take action.

Jim Cochran, of 384 Allison Avenue

Mr. Cochran said he has a concern about the 20 ft easement if the Township has to go in and dig, can we do it without incurring damage to the property. Vice President Castranio said normally the rule of thumb of it is width of an easement 2x the depth of your pipe, these are shallow pipes so 20 feet is going to give you more than enough to go in there and maintain. Mr. Cochran said he thinks any plan should have a catch basin if you are changing where the road surface is. Vice President Castranio said that is a simple calculation for an engineer. Mr. Reichard said the roadway itself is not changing. The curb and sidewalk are in place currently. The ROW extends another 25-30 feet into the grass area of the property. The collection system is running outside of the paved car way. Mr. Reichard said it is currently gutter flow around from Kim Acres on to Aspen Drive, down to the first inlet. Vice President Castranio said the roadway is not changing at all. Mr. Cochran suggested another box be added since we are having improvements done. He thinks that since they are asking the Township give up property, in return, we should have the stormwater issue fixed. Mr. Reichard will check the gutter flow in that area.

Tom Frey, of 2206 Boxwood

Mr. Frey wanted to know what the Township was planning for the future and asked if a traffic study was going to be conducted. Vice President Castranio said it was done for ModWash and that the Township also has a grant where we are analyzing all of our traffic signals. We have asked that they review those impact studies and do their own study to show their additional traffic and how it impacts that.

Mr. Frey is concerned that there is another building that has been sold in that area and he is concerned about the type of business that will go in there. His concern is traffic coming off the highway up the hill. He is concerned with safety, the time increased getting to work and a safety hazard with more cars. He said it is becoming a hazard to drive around here and we are concerned for our lives pulling out of these intersections. Vice President Castranio said it is part of our Green Light Go checking all of that. He said in his opinion, the traffic across the other side where the improvement has been made is better now.

Commissioner Anderson said it is good to hear from the people living in the area. She also shared that if an ordinance says a specific type of business is permitted in an area, the Township must allow it. Commissioner Fairchild said that people that have lived here for years should not have to sit through two light cycles to get out of the development.

Commissioner Fairchild said the property on Aspen Drive was sold for \$795,000 on January 24, 2024.

Mr. Anderson handed a time extension to Vice President Castranio.

Mr. Bonn said we will need a motion to accept the extension and we will need 10 days to advertise the public hearing.

Vice President Castranio shared that the applicant is providing a letter to grant an extension of time to Upper Allen Township to take action on the above referenced application until April 4th, 2024.

Commissioner Anderson made a **MOTION** to approve the applicant providing a revised letter granting an extension of time to Upper Allen Township to take action on the above referenced application until April 4, 2024 or the plan will be deemed disapproved., **SECONDED** by Commissioner Fairchild. The motion carried unanimously. 4-0.

PUBLIC IMPROVEMENTS COMMITTEE

Mr. Fraser shared that Mr. Reichard will bring the 2024 Roadway Improvement Plan to the Board at the 2nd meeting in March. The work will be in Meadowview and Fisher Road.

SANITARY SEWER SYSTEM

There was no report.

Commissioner Walsh asked what happened to the sludge coming out of the new press. Mr. Fraser said it is taken by Chambersburg Paper and it goes to a landfill. Commissioner Walsh asked if pfas testing is going to be required at some point. Mr. Fraser said he would need to check and get back to him.

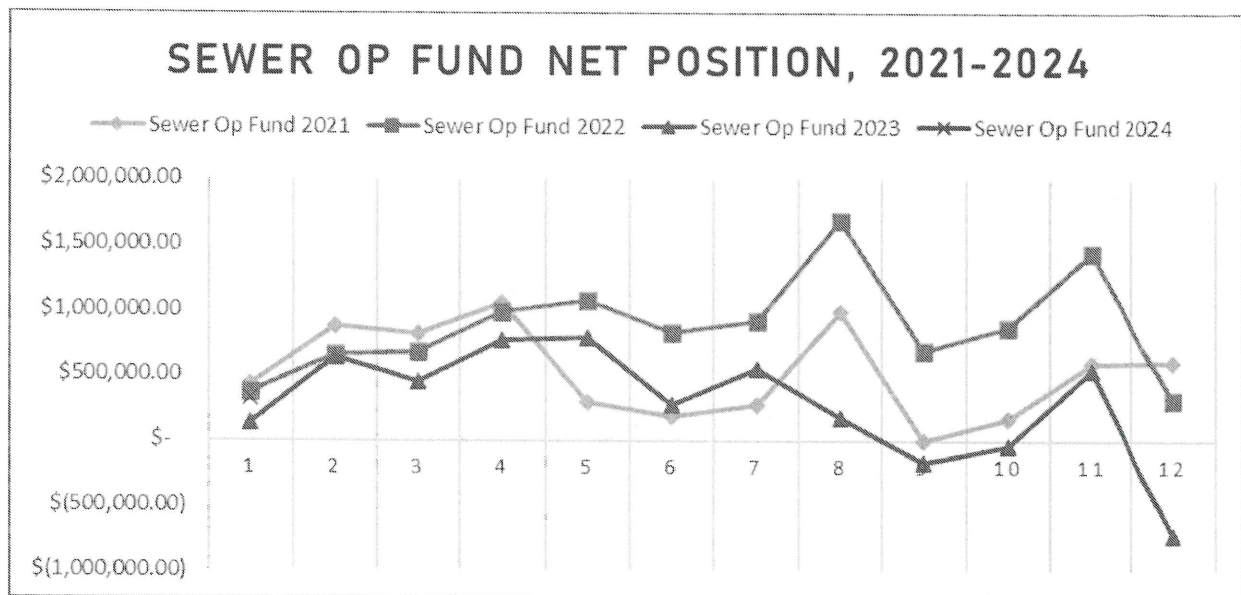
Vice President Castranio said the February sewer meeting is February 22, 2024, and Mr. Cupp can answer those questions.

ADMINISTRATION COMMITTEE

Budget Update

The information presented in this report is based on historical numbers generated in 2021, 2022, 2023 and year to date 2024. In this report I will focus on the two main operating funds (General and Sewer Operating.)

After one month of 2024, General Fund Expenditures (all expenditures plus transfers) of \$771K exceeded General Fund Revenues (Revenues minus Fund Balance) of \$466K by \$50K. The majority of the expenses in January are related to payroll and insurance payments. Most of the revenue collected in January is related to prior year income tax and current year real estate transfer taxes.



The Sewer Operating Fund is currently in a net surplus position at this early part of the year in the amount of \$324K. This will fluctuate throughout the year during lulls in sewer rental collections and large debt service payment periods.

At this early point in 2024, the Township expenditures are being managed within budgetary constraints. None of Upper Allen Township's Funds are currently at risk of operating in a deficit; all funds' revenues (Revenue plus Fund Balance) exceed expenditures.

PARK AND RECREATION COMMITTEE

There is a meeting on February 28, 2024. They will be discussing a potential DCNR grant for 2024 looking at Grantham Pond.

MISCELLANEOUS

Solicitor Update

Mr. Bonn shared that on February 14, 2024, the Commonwealth Court had a case involving a land owner claiming his property was being damaged by a stormwater pipe the Township had installed under a road and the trial court held it was not an actual claim against the Township, the Commonwealth Court reversed that decision and held that the landowner could sue the Township for negligence and under the stormwater management act for this pipe discharging water onto the land owners land. That is something to keep in mind moving forward that a township can be liable for negligent management of its stormwater facilities in a way that damages a landowners property

PA Supreme Court is hearing a case involving social media by school board officials. They were using their personal Facebook accounts to discuss school board policy. The Supreme Court is deciding whether or not that is a public record. PSATS is taking a position, filing a brief that it would not be a public record. That will be an issue decided by the Supreme Court. Public officials are using personal social media accounts to discuss public business. The Supreme Court will

decide if that is a public record. It will probably be a year before we know.

Tax Collection Committee (TCC) Update

There was no report.

Capital Region COG Update

There was no report.

Municipal Advisory Board (MAB) Update

There was no report.

Pennsylvania State Association of Township Commissioners (PSATC) Update

There will be an executive meeting in April.

PUBLIC COMMENT

Mr. Cochran said that JoJo's license is an economic development license. It is the first one we have ever put in the Township. If it is sold, it has to be sold with the business and in that location, it can never move. He said that is what the 7-Eleven was trying to obtain, but they have to file for their own location, you cannot transfer an economic license from one location to another.

EXECUTIVE SESSION

They had an executive session for legal advice. No action expected.

Commissioner Fairchild made a **MOTION** to adjourn the meeting at 7:55 p.m., **SECONDED** by Commissioner Walsh. The motion carried unanimously.