

**MINUTES
UPPER ALLEN TOWNSHIP
BOARD OF COMMISSIONER
6:30 P.M., DECEMBER 20, 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
J. Stephen Feinour, Solicitor
Andy Parsons, Chief of Police
Jennifer Boyer, Comm Dev Director
Barry Cupp, Sewer Dept. Manager
Jason Reichard, Engineer
Tom Shumberger, Fire Chief (Absent)

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 thanked the residents for joining us for the evening.

President Martin shared that it is the last official meeting for Commissioner Cochran and Commissioner Walter. Commissioner Cochran has been with the Township for 20 years and President Martin said he appreciates his fiscal acumen and interest in budgeting processes which are very streamlined from what they were 6-10 years ago. He said the Township is in good financial position and certainly with capital budgeting and our funded escrow and having monies to buy equipment and do capital improvements by putting money aside on an annual basis, so the cash is there when we embark on the project and Commissioner Cochran has been very active in the Park and Recreation Committee as well as the dog park.

President Martin shared that he has enjoyed having Commissioner Walter on the Board and his intense experience and interest in public safety is noteworthy and he thinks the relationship with fire police and EMS in this Township is second to none. As a businessman himself and having an interest in the commercial development of the Township, he thinks he has contributed to that greatly.

**CONSIDERATION/APPROVAL OF MINUTES OF BOARD OF COMMISSIONERS
MEETINGS – NOVEMBER 15, 2023**

President Martin asked for any comments or corrections to the Minutes of the November 15, 2023, Board of Commissioners Meeting. There was none and Commissioner Cochran made a **MOTION** to approve the Minutes of the November 15, 2023, Board of Commissioners meeting, **SECONDED** by Commissioner Walter. The motion carried unanimously.

PRESIDENT'S RECOGNITION OF VISITORS

Deborah Frey, of 2206 Boxwood Lane

She said there is a lot of speeding through Boxwood Lane. She said there are yield signs where we should probably have stop signs and thinks there should be mph signs. She is concerned about through traffic and delivery trucks. President Martin asked Chief Parson to look at the issue. Commissioner Cochran shared that the state sets the requirements for a stop sign.

CONSENT AGENDA

Commissioner Cochran made a **MOTION** to approve the Staff Report and Bills as follows, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Consideration/Approval of Staff Reports

Consideration/Approval of Bills in the Amount of \$1,033,862.62

Commissioner Cochran made a **MOTION** to approve consent agenda items C through F below as follows, **SECONDED** by Commissioner Walter. The motion carried 4-0-1 with Vice President Castranio abstaining from voting as he is employed by the engineer.

Financial Security Release for Winding Hills PRD, Stage 7, Section II, UAT File # 21-03-01

Financial Security Reduction for Mills at Shepherdstown, UAT File # 21-04-01

Financial Security Reduction for 151 Gettysburg Pike (7-Eleven), UAT File # 20-06-01

Financial Security Release for Winding Hills PRD, Stage 7, Section I, UAT File # 20-01-02B

PUBLIC SAFETY COMMITTEE

Consideration to Adopt the Noise Ordinance

Ms. Boyer stated the draft ordinance was presented to the Board of Commissioners on December 6, 2023. After some discussion, the Board authorized staff to advertise the ordinance for consideration to adopt and enact at the December 20th meeting. The ordinance was advertised in the Carlisle Sentinel newspaper on December 12, 2023. A copy of the ordinance and advertising notice was posted on the township's website. The advertising notice was also posted at the township building and a copy of the ordinance was available to view at the township building during normal business hours. The Board is therefore in a position where it may act on the ordinance.

Robert Ptaszek, of 2 Hellem Drive, Kimberly Meadows

He has speakers outside for the holidays and he wanted to know if that would require a waiver. President Martin said that if it would exceed the measurement in the ordinance, then it would require a waiver or working with Township staff/police with a noise meter to make sure it is not exceeding the limit. Mr. Ptaszek turns it down at 8:00 p.m. President Martin said if it is adopted, the sound should be checked with a meter.

Michael Hitcho, of 473 Cocklin Court

Mr. Hitcho has questions about Governor Wolf signing HB1615 into law which says that facilities serving alcohol, restaurants, bars, taverns can go up to 75 decibels or beyond at the property line and that on Fridays and Saturdays they can go to midnight. He asked if that is the law now. He

lives behind the Willows at Ashcombe. Ms. Boyer said the governor signed that as a state law amending the liquor control law in 2022. From what she had seen, it looked like the law originally was for holders of limited winery licenses and they removed that limited winery language. They also increased the time in which outdoor music could be amplified from 8:00 p.m. to 9:00 p.m. on every day except Fridays and Saturdays, and from 10 p.m. to midnight on Fridays and Saturdays. There was always some version for the wineries, they just expanded on that existing law under the PLCB. President Martin asked if this replaces or supersedes a municipal ordinance. Mr. Feinour said it does not, but it provides for regulation of the licensed liquor establishments and sets the base level of what they have to comply with, but the municipality could adopt limitations that would be more restrictive. Mr. Hitcho wants to know when they measure the decibel levels, he said he is probably closer than any other boundary and he just wants to make sure they are checking there.

Sharon Hower, of 2479 Glime Drive, Ashcombe Farms

Ms. Hower said her front door faces Ashcombe Mansion. She said in looking at the noise ordinance, and she interpreted that the state law supersedes the local ordinances, so she wants to know what is preventing Ashcombe Mansion from operating until midnight and what is also preventing them from the increased decibel levels. She said on the state website of the Liquor Control Board website that municipalities retain their authority under section 493.1 of the Liquor Code to petition the Liquor Control Board (LCB) to allow their own noise ordinances to supersede the liquor code provisions regarding amplified sound including the exceptions mentioned within that act. She asked if the Board was willing to go to the LCB to make sure that the local ordinances supersede the State Law. President Martin asked the solicitor if we pass our noise ordinance, does it supersede the state, or do we have to take the next step to make sure that it occurs. Mr. Feinour said that there is a procedure for the Township to petition for an exemption from the liquor codes amplified sound restrictions and to do so, it has to have a noise ordinance that it intends to enforce, but it does not require that the municipality noise ordinance be as restrictive or necessarily less restrictive than the state law. He said they would work in tandem. President Martin said that if he understands correctly, there is a process by which the Township could petition, but there is no guarantee it would be granted, so until then, we would be under the state regulation. Mr. Feinour said that under the liquor code, that law would pre-empt any local regulation of the liquor laws or sale of alcohol or things of that sort. Ms. Hower said that is how she interprets it. Ms. Hower said she thinks Ashcombe is going to attempt a second liquor license to cover the tavern, which is of a concern to her. Ms. Hower said she was here in November of 2022 when the owner of Ashcombe appeared before the Board of Commissioners to request the transfer of the liquor license. That law was passed in July of 2022 and that law was never mentioned during that November hearing. She said that had she known of the law, she would have spoken up at that time. Ms. Hower said she was upset to learn it was not an option for the residents to consider who were in attendance during the public hearing, knowing the owner could operate under the new state law, creating an inconvenience to the neighbors. She hopes that if future requests are brought forth for liquor licenses that it is taken into consideration by the Board prior to approvals.

Commissioner Cochran said that once we have an ordinance in place, then we can petition the LCB. He said we cannot do anything until we pass the ordinance. Ms. Hower said she understands. Vice President Castranio asked Ms. Boyer if the Willows at Ashcombe received any conditional uses with conditions stating they'd have to meet any noise requirements or other conditions. Ms. Boyer said they got special approval with the resort. Ms. Boyer said there were conditions about outdoor seating and outdoor entertainment. Ms. Boyer said she did not think it

could exceed 10 p.m., so that could limit some potential noise issues. Ms. Hower said that Ashcombe is operating in a soft-sided structure that has no insulation, so even if you want to say indoor/outdoor, it really makes no difference, the sound penetrates the structure. Ms. Hower said that the brewhouse would be sitting on a hill and sound is going to roll across the hillside, into the development. Ms. Boyer said when they decide to move forward with the tavern plan, it will come back for land development review. There is a draft plan submitted, but the review is on hold until further notice. Once the owner moves forward with the plan, information will be updated online.

Ed Arke, of 1 Cower Drive

He was there to urge passing of the new ordinance. He asked when a noise ordinance call is placed with the police department and they do come out and take readings, will there be a public record kept of those readings. Chief Parsons said it will be investigated just like they do any other complaint and what they see will be documented and the readings will be recorded. Mr. Arke asked if the readings would be available for public review and Chief Parsons said no. Chief Parsons said residents would have a possibility of seeing them if a charge is brought and it is presented as evidence in court. Mr. Arke asked if that would be available through a freedom of information report. Chief Parsons said they do not release reports. Mr. Feinour said those reports are exempt under the right-to-know laws as investigative materials. He said that if a charge is brought or something further beyond that, then it would be a public record and obtainable under right-to-know request.

Commissioner Cochran asked Mr. Feinour if when Ashcombe comes back in for approval of the brew pub, could a condition of approval be that any sound readings taken by the police department become public. Mr. Feinour said he did not think that could be an enforceable condition of the Township approval because the accessibility of those police reports is governed by the right-to-know law and police privacy records. Commissioner Cochran asked about readings taken by Township staff. Mr. Feinour said he thinks they could be obtained via right-to-know requests.

Mr. Arke asked why 10 p.m. was the magic hour. Ms. Boyer said the current ordinance limits noise at 10 p.m., so we kept it at that. She also shared that most municipalities who have any sort of noise reduction typically have the nighttime quiet hours take effect somewhere between 10 p.m. and 11 p.m.. Mr. Arke asked if the fine proposed for a violation is \$300. He asked if that is really much of a penalty for an organization that is sponsoring events with tickets at \$125 a person. President Martin said that he would like to think a businessperson in the community would be cognizant of the feedback from neighbors and land adjoiners and would try to meet a compromise position independent of the fine. He said he does not know if the way we get compliance and/or that there is going to be widespread enforcement is by fining someone. Right now, that is what it is proposed to be, but that is not to say that it could not be increased. Mr. Arke said that it does not seem to have much teeth. Commissioner Cochran said that whatever we fine has to be enforced by the district justice and our district justice is not in favor of large fines. Frequently, we have to cite people a dozen times to get one fine through. The bigger the fine, the harder it is to get past the DJ.

President Martin said he is disappointed that there does not seem to be more conversation or negotiation of what is acceptable. He said he thinks we are trying to identify the situation within the parameters that we can move this thing forward.

Melanie Horvath, of 605 Wingert Drive

Ms. Horvath said that when the Ashcombe's license gets to the point where it needs to be renewed, then there is a process within the LCB for nuisance bars. She feels like the complaints about Ashcombe would be legitimate complaints to make against that licensee. She suggested that everyone pay attention to when that liquor license is up for renewal and then make time to be at those meetings before the LCB. Ms. Horvath asked if the Township had a legislative liaison. President Martin said we have relationships with our elected officials, but in terms of state and federal, we communicate with them all of the time. Ms. Horvath asked if the Township has anyone who works directly for the Township on these issues that are of a bigger magnitude between the local government and the state. She said she knew the Township had the Association of Township Commissioners. President Martin said that Township staff is in constant communication with Senator Regan and Representative Kutz and we value our relationships with our elected officials. He said he believes that the Township fulfills that function.

Laura Crawford, of 2476 Cope Drive

She expressed her concerns with the noise from the Willows at Ashcombe. Ms. Crawford said there is an exemption that says businesses are exempt if they are more than 500 feet away from residences. She wanted to know if she was reading that correctly. Ms. Boyer read from the document, stating the language applies to operations of certain businesses such as processing of food and other manufacturing and industrial operations, where they're properties are more than 500 feet away from residences. This language would not apply to the Ashcombe mansion property. President Martin said he thought that the use we are discussing fits the criteria of that exemption as it mentions manufacturing. He does not think this section would apply to the entertainment venue. President Martin asked Ms. Crawford if she heard noise from the tent structure and she said yes. President Martin said when the project was approved, it was presented as a permanent tent-like structure. He said maybe that structure, while it is acceptable as a structure, does not have the acoustical qualities that we want to try to keep the noise down.

Sharon Hower, of 2479 Glime Drive, Ashcombe Farms

She said she pulled the current active liquor licenses, and the current license for the Willows at Ashcombe, according to the state's website, expires January 31, of 2024. She said that if anyone wants to band together, she is with them.

Eric Fairchild, of 1224 McCormick Road

Mr. Fairchild said the draft noise ordinance seems to have come about pretty quickly. He said he is impressed that it did. He wondered how it originated, where the text came from and how it compared to Hampden Township and Lower Allen Township. President Martin said this came by virtue of knowing that noise was a concern in various parts of the Township and venues, and we had nothing to enforce it or attempt to. Staff did their research by looking at other municipalities, and along with our solicitor came up with the draft. A draft ordinance was circulated and discussed, so that what's before us tonight is not the first time it was available to the public. Mr. Fairchild asked if there was a noise ordinance council or something that was pulled from that is widely adopted or many other municipalities are using that would create more comfort. Ms. Boyer said there is not a model ordinance that you can easily pull. She said there is information out there and they waded through it to get a base line of what normal is. She said it did not come about overnight. They have been working on it for months. Ms. Boyer noted that Carlisle Borough and Camp Hill Borough were the only municipalities in Cumberland County that have specific permanent sound levels for both daytime and nighttime hours. Other municipalities such as Lower Allen, Silver Spring, East Pennsboro and the City of Harrisburg only have noise ordinances for

nighttime hours.

Mr. Fairchild said he is concerned that we are moving too fast. He wanted to know what the hurry is and that it is better to get it right. He said he was worried that we might end up being worse off. Like we are now granting exemptions and waivers where they do not have that right now. He asked if that was a possibility. President Martin said that anything is a possibility but suggested that we have been asking staff to do this for over a year. The idea of having a noise ordinance is not new, and there are some safeguards in the proposed ordinance in terms of getting waivers. Just like any ordinance, we can always amend it as time goes on. President Martin said he thinks it is disingenuous to the Township staff; he would rather adopt the ordinance and then we have something so we can start moving forward.

Mr. Fairchild said he heard good comments tonight and he thought it was a theory of pre-emption that the LCB or state law could come in and override the Township as regards to an establishment like Ashcombe. President Martin said that now we know that and so we can take appropriate action. Mr. Fairchild said that we may have to petition and so forth. Mr. Fairchild asked if ModWash was exempt under Section 181.2-7.N. . President Martin said no. Mr. Fairchild asked why not because his interpretation was that they would be exempt. The wording is confusing to him as a lay person. Ms. Boyer said no, those businesses under that section must be more than 500 feet from a residential dwelling, and the section deals with certain operations not all businesses. If such businesses are less than 500 feet from a residential dwelling, then they are not exempt. Mr. Fairchild said we also know that ModWash is also not less than 500 feet from residents. Commissioner Walter said that is correct, so it does apply.

Mr. Fairchild then expressed concern about the waiver category. He said he is just afraid we will be worse off. He said he noticed the fine, a maximum of \$1000, hasn't changed since 1993. We are now 30 years later, and he heard the comment about the district justice does not like to levy fines. President Martin asked what he was suggesting. Mr. Fairchild said perhaps if it was a repeat offender or some kind of scale or something. He said people brought up the issue with the police, are they the best tool or group to enforce this? Do they want to enforce this? He said he does not know how much sound meters cost. He said the LCB has sound meters and then somebody brought up getting the records of the complaints, what if the codes enforcement officer would be the enforcer. President Martin said they have heard the concern, and the Board has attempted to address it.

Commissioner Cochran said the memo we had more clearly defines the type of measuring unit or instrument that will be used because there are all kinds of sound meters out there. Scott Steffan who we use for our AV consulting services has suggested it needs to be a Type 1 Sound Level Meter (SLM) calibrated in the periodic determined manner required by the manufacturer specifications. A non-Type 1 Sound Level Meter, i.e., a personal phone or app, shall not be considered an accurate calibrated Type 1 Sound Level Metering Device. He would like to see that added, that when we do have measurements taken, that everyone is using the same tool to measure or otherwise you will end up with varying results. President Martin said that if the ordinance were adopted, we could put a caveat that we would note that staff and/or police would only use this Type 1 Sound Level Meter. He said he thinks that is important and agrees. Ms. Boyer said that if the language would be added to the ordinance, we would need to readvertise. She said staff also talked about training policies and manuals to add this and other language into their documents for proper procedures. Chief Parsons already purchased one Type 2 meter. President Martin asked

the solicitor if it is not in the ordinance, could that be an operating procedure by the Board indicating what is satisfactory? Mr. Feinour said you could. Ms. Anderson asked Ms. Boyer if the training and calibration of the meters would be necessary. Ms. Boyer said yes it would be helpful, and that Mr. Steffan offered to help the police with coordinating any services that may be necessary.

President Martin said that if we take action to pass the noise ordinance as before us, we would consider a subsequent motion to indicate that enforcement or measuring devices need to be of Type 1 Sound Level Meter standard.

Commissioner Cochran said that we were asked what the rush is. He said that in order to approach the LCB and ask for our ordinance to be primary, we have to have the ordinance passed. President Martin said he hopes that this ordinance is seen as a first step towards being responsive to resident's requests should it pass.

Commissioner Walter made a **MOTION** to approve Ordinance #831 to amend Chapter 181 (Peace and Good Order) for the adoption of a nuisance noise ordinance, which will create Articles I and II, amending Sections 181-1 (Prohibited Acts) and 181-2 (Violations and Penalties); and amending Chapter 217 (Streets and Sidewalks), Section 217-4 (Issuance of permits; applicability). This ordinance shall take effect immediately., **SECONDED** by Commissioner Cochran. The motion carried unanimously.

Commissioner Walter made a **MOTION** that all sound measurements shall be made by a Type 1 Sound Level Meter, calibrated in a periodic determined manner required by the manufacturer specifications., **SECONDED** by Commissioner Cochran. The motion carried unanimously.

Ed Arke, of 1 Cower Drive

Mr. Arke asked if the Township Police Department has a Type 2 device, does that mean that we will not be able to enforce this ordinance immediately? And will the Type 2 be useable? President Martin said they will have the Type 2 Meter for periodic inspection, but they will be getting a Type 1 Meter. Commissioner Cochran said no to enforcing the ordinance tomorrow morning. Vice President Castranio said we can still enforce it, but we are not going to win a court battle.

Police Department

Consideration to appoint/approve Mr. Kevin Gallick as the 2nd Alternate Member of the Police Civil Service Commission

On November 8, 2023, Chief Parsons was notified that James Adams elected to withdraw from his position as a member of the Upper Allen Police Civil Service Commission effective December 31, 2023. This created a vacancy on the Commission.

Mr. Kevin Gallick has since expressed his interest in serving on the Upper Allen Police Service Commission. Mr. Gallick is a township resident currently living at 543 Appalachian Avenue.

Chief Parsons respectfully requested that the Board of Commissioners take official action and appoint Mr. Gallick as the second alternate member of the Commission effective January 1, 2024. Chief Parsons included the volunteer form and a memo from Mr. Gallick expressing his interest

in serving.

Commissioner Walter made a **MOTION** that we appoint Mr. Gallick as the second alternate member of the Commission effective January 1, 2024., **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Chief Parsons shared that their two new vehicles should be in service in February 2024.

Fire Department

Assistant Chief Kaminsky shared that the fire department responded to 35 incidents in November with an average turn out of nine. This past weekend, 26 fire fighters took the factory Pierce Truck Training for the new ladder truck. It went to Glick on Monday to get tools mounted. We hope to have it in service the second week in January.

PLANNING AND ZONING COMMITTEE

Consideration/Acton on 2509 Mill Road Land Development Plan, UAT File # 22- 05-02 (End date: 12/30/23)

The proposed project is for the demolition of the existing single-family home and shed, and construction of 14 townhomes. The Board of Commissioners has reviewed plans for this project at its January 18th and September 6th, 2023, meetings. Discussion continues.

Charlie Suhr, Attorney with Stevens and Lee, representing the applicant, Mikhail Malinov Mr. Suhr shared that based upon the last meeting, we did take the comments from the Board into consideration, including meeting with the neighbors as well as the concerns about the driveway radius. We have since eliminated that waiver request and we are now compliant, which resulted in some plan changes. There is a spill over into parking, we had to move a utility pole up front and there is some reconfiguration within the right-of-way of the driveways both for us and the neighbor to the South. We have the review letter from staff dated December 14, 2023, and he wanted to go through some of the issues.

Mr. Suhr stated with the traffic study, in response to the fact that when the counts were conducted previously, it was a time period when finals were at Messiah University. TPD went out and did some revised studies. Jake Linker with Traffic Planning and Design said that we analyzed the W. Lisburn Road and Mill Road intersection because that is where the majority of the traffic is represented. The results show in the weekday AM peak hour, comparing the May counts of 2023 and the October 2023 counts, that there was an 8% increase in traffic; however, in the PM peak hour, there was a 14% decrease. Mr. Suhr asked Mr. Linker if there was a need to study more intersections, to which Mr. Linker said based on their initial traffic impact study, we have met all of the Upper Allen Township Ordinances and with that. PennDOT standards state that if there is concern with the data collected on the specific day, that we only have to go out and recount one of the major intersections in the study area. Being within the 10% variance that is standard practice, we decided that there was no further capacity analysis necessary. Mr. Surh asked if based upon what Mr. Linker did, with the original study and the new supplement analysis, what conclusions did he have regarding the traffic impact. Mr. Linker said that since it was less than 10% variance, no further analysis was necessary because we already previously met all of the minimum impacts

for the adjacent roadways and we complied with all the requirements with the SALDO. Mr. Linker added there was minimal impact on the adjacent roadways. Mr. Suhr clarified that they were talking about the 14 townhouses coming out in the area.

Vice President Castranio asked how long a car would be sitting there at the Lisburn & Mill Roads intersection waiting to turn, what does that mean to a real person. Mr. Linker said that in capacity analysis there is what is called level of service and the level of service is based off turning movements, so when the minor street of the site driveway exiting would be west bound exiting west bound left, towards Messiah or exiting west bound right towards Lisburn Road access. He said there is minimal cueing, which is measured in number of feet or vehicles, and it is less than one car. So, the analysis says it is 25 feet which is the average length of a vehicle so it would be one car at the maximum waiting to exit the sight. Vice President Castranio asked if they studied Mill Road and Lisburn Road stop sign and Mr. Linker said correct. Vice President Castranio said if he was coming up Mill Road, leaving today, how long would he have to wait today in the worst scenario and then after the development. Mr. Linker said you would have to wait at the 4-way stop for 19 seconds post-development. Now, you wait approximately 16 seconds. The study showed that in the AM peak hour, there were only two vehicles that will be entering or exiting the site and that there would be four new vehicles in the PM peak hour, so the development generates very low traffic.

Mr. Suhr addressed the driveway modification. He asked Dan Wise with RJ Fisher & Associates to describe the driveway changes Mr. Wise said that originally, they had a driveway designed with a 15-foot radius and the ordinance requires 30 feet. They have changed the design to meet the ordinance requirements even though there is a driveway right across the street with a 15-foot radius. This design change utilizes almost every foot of the available road frontage, and we still have sidewalks in the front. There is a utility pole that needed to be relocated past the curb to a corner of the property. On that pole, there are lines that go to other properties. Those wires will be relocated with this pole and aerial services will be reconnected to the adjoining owners. Mr. Suhr asked if part of the relocation of them, we will be maintaining the above ground wires? Mr. Wise said that was correct. Mr. Suhr asked if the wires going into the new townhouses were above or underground? Mr. Wise said they will be underground. President Martin asked if what Mr. Wise just described was proposed future work, the electricity and the relocation of poles, nothing has been done to date, correct? Mr. Wise said that was correct. President Martin asked if they spoke to the utility company and are the improvements approved, and have arrangements been made to relocate the wires, and what impacts will it have on neighboring properties? Mr. Wise said there have been preliminary discussions with the utility company, but until we have a final development plan that the Township is comfortable with and conditionally approved, there is no formal final plan. Certainly, any condition of approval would be conditioned on the electric company agreeing and we would do it in compliance with the electric company's requirements. President Martin asked if they have spoken with the adjoining property owners about the relocation of the pole and lines with the affected neighbors, Mr. Wise believed the neighbors were at prior meetings where we discussed this. Mr. Suhr said the exact location may be a little in flux primarily because some of the relocations coming up from the last meeting, but certainly, we can have additional discussions with them. He said the pole is being located on their property, so it is just a matter of a reconnection with the power company. Commissioner Cochran said you felt the need to mention that the driveway across the street has a 15-foot radius, he asked if they knew when that driveway was approved under what set of ordinances. Mr. Wise said it was only a few years ago, but that was just to say, that was why they initially started with a 15-foot radius.

Mr. Suhr said another issue with the driveway redesign is that the access drive now had to move a little to the south. Mr. Wise said the southern curb of the access drive comes down immediately in front of our road frontage and there is a little bit of pavement in front of our property from Mrs. Weakland's property to the south. We would have to remove a portion of her driveway pavement to accommodate the curb and access drive design. Her driveway would still be 16.27 feet wide, but it is currently around 20 feet wide. President Martin said you are narrowing the adjacent property owner's driveway, asking if they had spoken to her about the change. Is there an agreement to change her driveway? Mr. Suhr said that we are not modifying her driveway, because her driveway is only on her property. We are only changing the portion of driveway within the right-of-way which she drives over. President Martin said it is still her driveway that she has been using for many years, and it is a change. Mr. Suhr said that they would consider, if the Board of Commissioners would be in agreement, to install depressed curbing so it would be flush with the roadway and could be driven over. That would require another modification and the purpose of what we did here was to avoid modifications.

Vice President Castranio asked if the apron you are leaving as a driveway, does that meet our ordinance as a driveway? Mr. Suhr said a driveway is defined under SALDO as between the right-of-way to something going on your property. The portion that you drive on within the right-of-way, you may commonly think it is your driveway, but it is not. Vice President Castranio said that you are required to maintain it, the Township is not going to maintain your driveway. He said we have specifications for driveway aprons that you have to meet, so what you are leaving for Mrs. Weakland should meet our ordinance. Mr. Suhr said it does. Commissioner Cochran said Mrs. Weakland has maintained her driveway for years even though portions of it may be in the right-of-way. We have sidewalks and we have yards that people maintain as their own property, so she could have spent money to maintain that piece of property and now you are coming along and taking it away so your plan meets the requirements. Mr. Suhr said that was correct. Mr. Suhr said the purpose of this was to address the issues with the modification request. Commissioner Cochran said he understands that, but we have had a similar situation on Allendale Drive where we said no, you cannot go in and disturb an existing homeowner's property to make your plan work, and now you are asking us to change that for this plan. You are saying she should be able to give that up and we ought to be able to just tuck ours in there. Mr. Suhr said that nothing is on her property, that she would give up. Commissioner Cochran said she has maintained that driveway for as long as she has lived there, she has probably repaved that while she lived there, as anyone else would. He said he understands that it is not her property, but she has maintained it and has been used to using it as such, and now you are going to take it away to make your plan meet a requirement that it does not meet without that. Mr. Suhr said they are not taking away her access, the access at her property line is staying the same. The ability to turn when she is in the right-of-way will be slightly changed because of the curving of the driveway. Commissioner Cochran said you are proposing to modify the plan to make a more convenient exit, as you already stated where you have to modify the design which will cause a very sharp curve for her to turn to go up towards Lisburn Road where there used to be a tapered curve. Mr. Suhr asked if the traffic engineers had any opinion on that. They said not at this time. Commissioner Cochran said it is not a question for engineering, it is a question of ease of entrance and exit. For years, she has had an easy way in and out of her driveway, and now you are going to square it off and put a curb in there so she would have to go up over to get out on that same kind of angle. It is going to change the way she enters and exits her property. Mr. Suhr said the alternative was the original modification request, which he said Commissioner Cochran objected to, so we tried to address the

comment to become compliant. Commissioner Cochran said, “so you have taken one thing he does not like and substituted it with something else he does not like.”

President Martin said one of the things that we sensed was a lack of communication with the neighbors and adjoining property owners, and it felt like we were presented a plan that we had to act on. We asked you to interact and have meetings with the neighbors. President Martin asked how many meetings there were and how many people attended. In terms of the property owner to the south, is Mrs. Weakland aware that her driveway is going to be altered and that she will have a narrower space on the right-of-way to enter Mill Road? Mr. Suhr said he was not sure if she was aware of that aspect. President Martin said he thought the concerns we had at previous meetings was that this is a development that hopefully will meet the ordinance, but it is kind of a size 13 size shoe stuffed into a size 9 box. The intent was to invite and interact with the neighbors and make sure that the community understood what you were doing. Maybe they did not like it, but at least they were aware of it. President Martin said he thinks Mr. Suhr just admitted to the Board that you have not had a conversation with Mrs. Weakland. Mr. Suhr said that was not what he said.

Mr. Wise said Steve Flemming, one of the owners’ representatives who will be the potential contractor for the project, met with Mrs. Weakland in conjunction with asking her about this drainage easement along the rear of her property, which she initially agreed to it, and thinks the driveway was discussed at that time as well. He and Mr. Suhr stated that at some point, Mrs. Weakland decided that she would not be willing to provide that easement nor agree to any modification to her driveway. Mr. Suhr said again that they feel that piece of paving in the right-of-way in front of our frontage, is public domain that we would be able to modify for the access drive entrance. Alternatively, we could depress the curb and not have to remove her paving and then she would have the same driveway and movement as she does now. President Martin said that has not been presented to her.

Mr. Suhr said the off-street parking space design has changed since the last submission. We lost some parking spaces, and the two end units only have one driveway due to the additional pavement needed along the right-of-way, and to not exceed the amount of impervious coverage allowed. There is a comment from Ms. Boyer that the ADA space that was put in there needs to be slightly wider and we can accommodate that. The off-street parking provided does meet the ordinance requirements. Commissioner Cochran shared for the record that this road is going to be a private road and you are going to put no parking signs up, asking for clarification as to who would enforce that. Mr. Suhr said that the property management company would.

Mr. Suhr addressed lighting standards and notations on a front buffer yard that they can agree with. Comments regarding sanitary sewer, there are a couple notations that would need to be made and they can do that.

Mr. Suhr said that if the Board would like us to have another meeting with the residents, we can do that, especially with the next-door neighbor. President Martin asked how many meetings they have had with the neighbors. Mr. Suhr said there was one meeting. Steve Flemming met with Mrs. Weakland separately. He also met separately with a group of residents. There have been at least two meetings. President Martin asked what kind of responses or concerns came out of the meetings.

Mr. Wise said they were asked if we could add an additional fence and additional plantings along

the boundary to the north for 513-515 W Lisburn, which we cannot do because of an existing water line easement. The Gladfelter's at 605 Wingert Drive asked for fill, a retaining wall and fencing in the rear of their property to mitigate the visual impact of the townhouses to them. We are providing a dense buffer yard in the plan, so we feel we satisfy our obligations. Mr. Suhr said the short answer is that we were not able to accommodate what they wanted. As for Mrs. Weakland and the driveway issue, we are willing to meet with her to go over that. He asked if they would table the plan, they could come back. We would add a modification of having a depressed curb in that area as being part of it and asked if the Board would be supportive of that. President Martin said he would want to hear from the property owner to see if that would be a satisfactory compromise.

Commissioner Cochran said that on units A3, A4, A5 & A6 the decks intrude into the easement and that cannot happen. Mr. Suhr said that is correct, they realize that and is one of the conditions that we accept and agree to. We will change and remove the portions that are within that easement. Commissioner Cochran asked if they have approached the post office about the location of the mailboxes. Mr. Suhr said no. Commissioner Cochran said that the post office may have requirements. President Martin said that if the post office decides it should be placed right in front of someone else's property, you should make sure it does not negatively impact the quality of life for neighbors. Ms. Boyer said you can start having a conversation with the post office on a preliminary level because if they want to move that, you are going to have to show the new design on the plan, along with any ADA compliance. Ms. Boyer also suggested an overhang for the cluster mailboxes, because of any inclement weather both for the post office and for the residents as well.

President Martin asked if they saw the comment about the road cut. Mr. Suhr said yes and that they would be asking for that. This plan was pending when the road was paved so everyone knew this plan was happening at least in preliminary stages. We would fix it and maintain it. President Martin asked if disrupting a paved road for five years, that was part of your knowledge when they started the project. Mr. Suhr said his understanding was that the road was paved this summer and they filed in 2022. President Martin said he understands that, but the idea is not new for this project, that is something they have had in place. Commissioner Cochran asked when it was on the plan to be paved, to which staff would check on the date. Commissioner Cochran said the inference is that they could not have known that, but we have roadway plans that go ten years out and the pavement schedule for Mill Road is listed in that plan. President Martin said his point was that the five-year road cut rule is not a new requirement. Mr. Suhr said he knew that requirement was there.

Susan McFadden, of 2505 Mill Road

Ms. McFadden said she was not contacted regarding the property about the utilities and other changes that were going to be made. Ms. McFadden said they learned of the developments by viewing the plans online and no one has discussed the utility relocation with them. Ms. McFadden pointed out they are proposing to move a utility pole, which will affect their sewer lines. She said she does not see anywhere on the plan where their utilities are going to be connected from. PPL & Verizon come off the utility pole that is being located. If they bring these utilities in from the road, it will be about 100 feet from the house. None of the plans show that utilities are hooked up to the Weakland property. She wants to know where on this plan does it show the PP&L line coming to their property. She said they were never contacted about that. President Martin asked her if they were ever contacted about the neighborhood meeting. She said she was never contacted

by the developer. She said the community meeting was requested by the neighbors, and that the developer never contacted us to request a meeting with the group. She said on their own, their neighbor group got together and met a couple different times at a neighbor's house and discussed the issues that we had. Then we decided to request a meeting with the developer, but it was not initiated by the developer. The date they picked for the community meeting, her and her husband were not available. President Martin asked if there was an attempt to follow up by the Developer. Ms. McFadden said no.

Regarding the traffic study, she said she does not know what hours it was conducted, but at certain points during the day, they cannot get out of their driveway because of traffic. Whenever the college has events, it is backed up all the way down the hill at Lisburn Road and all the way down Mill Road. She said some days you do not have to wait at the stop sign, but other times, depending on the time of day there is traffic and there are school buses. President Martin said they only studied the intersection at Mill and Lisburn, they did not look at the hill past the property. President Martin said he would have preferred a more comprehensive traffic examination; it seems it was a bit minimalist.

Ms. McFadden wanted to know who was going to maintain the new access drive for the townhomes. President Martin said that would be the developer or their designee, it will be a private drive and not a Township-owned roadway.

She asked about the proximity of the access drive design and the sidewalk to their property line. She realizes they moved the driveway so now it is curved, but it is right up against their property line. She asked if must maintain a separation between property lines? Ms. Boyer said there is a 10-foot setback for the driveway itself which they meet. Ms. McFadden said it looks like they are driving into their driveway when they go around the bend.

Sherry Wolgemuth, of 2510 Mill Road

Ms. Wolgemuth said her property is directly across from the driveway. She asked for the date of when the first traffic study was done. A full comprehensive study of all four intersections was done on May 3, 2023. The supplemental count was completed on October 4, 2023, which only analyzed the traffic at the Mill and Lisburn Roads intersection. Ms. Wolgemuth asked what the time frame was. Mr. Linker said PennDOT's typical standard for an average weekday is 6-9 a.m. for AM peak hours and between 3-6 p.m. for PM peak hours. PennDOT's standard for an average weekday is between Tuesday and Thursday, however these counts were only completed and set up on one day. Commissioner Walter asked if it was only one day each time. Mr. Linker said that was correct and that follows PennDOT standards. Ms. Wolgemuth said that during the May timeframe, the bridge was closed on Mill Road, which restricted traffic, so she felt that was not a valid study. Commissioner Cochran said that is why they went back and requested another study. Ms. Wolgemuth said that around the October time, there was a traffic study camera on the telephone poll right at her property and there was one at Wingert Drive. She does not know how that affects Lisburn and Mill. President Martin said it probably would have measured the effect on the intersection. Mr. Linker said that was correct. Ms. Wolgemuth said she has concerns that pulling out of her driveway will be difficult if there were to be another 28 vehicles coming in and out of the new site. She asked who would have the right-of-way.

Ms. Wolgemuth said the telephone poll they want to move is right in front of three mailboxes for residents. She wanted to know where those mailboxes will be relocated to, and that she does not

want to be part of a community mailbox system. She also said she thinks their cable comes from the telephone poll they want to relocate, which is a concern. President Martin said he is guessing if they were moving a poll or utility that they would be required to make sure that your service is available to be restored.

Ms. Wolgemuth said that while we live across the street, we are direct neighbors and we have not been addressed. All the lights from the development will be coming into her driveway. She said we are a tight community in general, so however we can make this work or not work, we are in this together.

Melanie Horvath, of 605 Wingert Drive

Ms. Horvath said that Mr. Linker mentioned the prime hours recommended, or best practices through PennDOT for the traffic study. She asked if PennDOT says that less than 24 hours is okay for that kind of a study? She said she watched when the thing came off the pole and it was off way before 6 p.m. the next evening, so she is not sure what constitutes 24 hours. Mr. Linker said PennDOT's standard is to record the am and pm peak hours on the same day. President Martin asked if there was a suggestion that you do it on consecutive days or only one day. Mr. Linker said it is sufficient for PennDOT standard. Ms. Horvath noted that it was removed before 6 p.m. unless they have some kind of time stamp on it that proves otherwise, she questions the duration of it.

Ms. Horvath asked about the on-lot sewer system with the grinder pump. She said she believes the grinder pump was initially placed at the top and now it looks like it is right by the Gladfelder residence at 605 Wingert Drive. She asked whether the Township has an agreement on the maintenance and improvement on the grinder pump with whomever will be responsible because just like the road, the Township is not going to be responsible for that sewer system. She acknowledged that the management company was going to take care of it, but she would feel better if someone who knows what they are doing about sewer maintenance would be responsible for the maintenance of it. She said the Township could ask for an agreement on the maintenance and the improvement of any necessary repairs, in accordance with Act 537. President Martin asked if a private pump station must be in an agreement with our sewer department or Township. Mr. Fraser said yes, it will connect to the Township sewer system, and they have these agreements with other places. We have had to contact DEP when there are failures of that nature. Mr. Fraser said she is correct. Ms. Horvath asked if the developer will be maintaining it. President Martin said they will be required to. Ms. Horvath said they had a system like this in another development and had odor issues and had to do a different system, an aerobic system or something like that. She said she has grave concerns because this is an ongoing problem, it is an issue that DEP has raised for many years where developers put the lines in.

Ms. Horvath asked if this plan had been approved by the Cumberland County Planning Commission. President Martin said they do not approve plans, but they do review them and provide comments to us. Ms. Boyer said they reviewed it on May 17, 2022. Ms. Horvath asked if they take a vote on it when they review it. Ms. Boyer said they typically have county staff review the plan, and then the plan goes to a Cumberland County Planning Commission meeting for any discussion. Afterwards, they'll provide comments to the applicant and a copy to the Township. We include their comments into the Township comments. Vice President Castranio said they are using our ordinances, there are no ordinances the county uses. Ms. Boyer said that was correct, they act as a reviewing agency under the MPC. They must review plans using the

municipality's ordinances. Ms. Horvath said she raised that question because in looking at the composition of the county planning commission, one of the members of that planning commission, their business is directly related to this project, so she did not know if they would recuse themselves or note that they were invested in the project. Ms. Boyer said the Township would not receive that information in the county's comment letter. Such information would be noted in the county meeting minutes. President Martin said it is worth a call to Cumberland County.

Mr. Matthew Fisher, with RJ Fisher and Associates, said he serves on the Cumberland County Planning Commission. He said that plan reviews like this do not get a formal vote from the planning commission. We mainly see rezoning issues or informational items. It is not a formal vote, or he would have absolutely recused himself. President Martin asked if when you were discussing the plan amongst your Board, were they aware that you were representing the plan. Mr. Fisher said they did not even discuss it. Plan reviews of this nature rarely come up for discussion during the planning commission meetings. President Martin asked if it was then only reviewed by planning commission staff and Mr. Fisher said that was correct.

Ms. Horvath asked about the swales. When they met with Mr. Flemming, they asked about mosquito mitigation because it is going to be a breeding ground near the base of their pool. She said Mr. Flemming said he was not aware that mosquitos were a problem nor that any of the diseases they carry are a problem. Ms. Horvath wanted to know what kind of mosquito mitigation would be used to take care of that area.

She said they also asked Mr. Flemming to back fill the area near the Gladfelter's property at 605 Winger Drive. The slope there is 13 feet, so it does not matter if you plant 40 trees there, unless they are fully grown, there will not be benefit of a buffer until the trees are 80 years old. So, we asked for backfill and retaining walls. She said they were told the property owner was not interested in entertaining that at this time.

Commissioner Anderson asked if the weather is bad, do you have to do a traffic study on another day. She also asked what would happen if they get a notification that something is going on at Messiah University, and does that make a difference? She said she is not 100% sold that a traffic study is accurate in that kind of a situation. Mr. Linker said he reached out to the township to discuss the comprehensive traffic study and the supplemental study to discuss the selected days. Everyone agreed with the selected days, and we have met all the standards for weather and with Messiah University. President Martin said that you probably met standards and just common sense wise, when the first study was done with the bridge out, he would have liked to have seen a later date with another comprehensive study when the bridge was in. He said it may not have made a significant amount of difference, but he thinks it would have indicated that. Mr. Linker said that to clarify that initial study on May 4th, we did speak with Ms. Boyer and the Township Engineer, and the detour signs were completely taken down and the bridge was fully functioning. President Martin asked if that was on May 4th. Mr. Linker said that was correct and that the initial concern was that its undergraduate program was in their finals week and that was not considered a typical day because they were not going to their everyday classes.

Ms. Boyer told them not to do the traffic study while the bridge was closed, they had to wait until it opened. Ms. Boyer said her understanding from the last meeting, the bridge was open, but apparently the detour signs were still up, so there was concern that some people might have thought the bridge was still closed and therefore still using the detour routes, which would have caused the

counts to not be 100% representative.

President Martin said he is concerned with a privately maintained road with tight a radius even though we have an exhibit that shows that fire trucks can meander through that area. His concern is that it is not particularly generous, especially if parking is not enforced and we start having cars parked randomly. He said he thinks that could impede fire fighters. He said this will only work if parking is strictly enforced. Otherwise, if there is an emergency and we want to get our new ladder truck in there, there will be problems. Assistant Chief Kris Kominsky said that we have the brand-new ladder truck, but getting any piece of fire apparatus in there too with parking issues might be a problem.

Commissioner Cochran said that it is a private road, so the school buses are going to be stopping on the hill on Mill Road. President Martin asked the traffic engineer if they will arrange their routes so that kids do not have to cross the street for this development. Mr. Linker said it was his understanding that there is an existing bus stop directly across the street and with the sidewalk on the site frontage, the students would be able to stay on the sidewalk until the bus puts on their lights and then they would cross Mill Road. President Martin said we have a similar situation in Shepherdstown, and it raises a lot of community concern.

Sherry Wolgemuth, of 2510 Mill Road

Ms. Wolgemuth said the school buses on Mill Road turn into the other lane so that it stops cars, that is how bad it is on Mill Road. She said that especially at Wingert Drive for that bend, they will pull diagonally so that cars will not come up around and so that the kids can get across.

Vince Gladfelter, of 605 Wingert Drive

Mr. Gladfelter said that if anyone looks at this area, the properties are 60 years old and people have taken a lot of care of them over the years. The border lines are withering down and weak along all property lines. People have tried to keep up with them, but many trees are overgrown, pine trees are 100 feet tall, so the problem with a lot of this, it is hard to put some sort of border around it. He thinks there should be some sort of consideration on the hard borders of properties, requiring something to being there, even arborvitae or anything other than a tree he has to wait 20 years grow to full maturity. He said they are accustomed to looking at each other's homes, but that is different than 14 townhomes. He is concerned about the screening.

President Martin said he was sure that concern came up at their community meeting and asked if the developer agreed to make any kind of consideration. Mr. Gladfelter said he is asking for a wall to be built, but who is going to do that? He said he is asking for a feeling of privacy. It does not have to be a wall or fence, but some kind of border. President Martin asked Mr. Fisher if he has heard these concerns and what steps, if any, have been considered. Mr. Fisher said we have a dense buffer yard of plantings as required by the ordinance, planned along that boundary with the Gladfelter's and other properties in that area. President Martin said he thought he heard earlier that it is difficult because there are already mature trees there. Mr. Fisher said that is on the north side. We are going to add proposed trees and buffer screening all along the southern boundary. He said there will be evergreen plantings. They will be planted at the height required by ordinance, but they will grow. We have the heights on the landscaping/planting schedule. President Martin asked how long until they reach maturity. He said he would have to look at the schedule again. Vice President Castranio asked what mature meant and what will the top of the evergreens be, noting the Gladfelter's concerns seem valid regarding their pool. Mr. Fisher said various

evergreens will get 20 feet high and 35 feet high at maturity. There will also be deciduous trees that get 20 feet high. Commissioner Walter asked how long it takes to reach that maturity? He said 10 years. Commissioner Walter said he understands meeting the ordinance, but hearing the neighborhood concerns, are you willing or unwilling to try to somewhere meet in the middle. Maybe a berm to make the trees higher. Mr. Fisher said we could change out the trees to be higher trees. Commissioner Walter said he thinks the berm was their compromise. Mr. Fisher said we are providing somewhat of a berm. There is a swale, and then there is a berm in which there will be grading behind the units, so it sits on maybe a 2ft high berm. Commissioner Walter said he knows what they are talking about, it really drops in that area. President Martin said this is a discussion he that hoped would have happened in the community meetings, but he does not know that they happened. Ms. Horvath of 605 Wingert Drive said they did bring up the issue at the community meeting. She said the response from Mr. Flemming was that the townhomes would have blinds for the tenants to use to address the neighbor's concerns about privacy.

Ms. Wolgemuth of 2510 Mill Road googled how long it takes for evergreens to grow and said the internet says that if they get what they need to thrive, they will grow at least one foot each year. President Martin said that 10 years was close.

Mr. Suhr said they have a little more work to do. He is going to recommend to his client that they have another meeting to go through and try to see if we can do anything else. We need to check with the post office about mailboxes. He does not know if they checked with the school district. There are a couple of points that came up here that we want to check and go through one more time. He said that with the traffic study, we are not going to be doing much more with that, as it is complete. He thinks the other points were certainly very valid for us to look at to have another more organized meeting with the neighbors and talk more about landscaping, if berms are appropriate, and the power line issues.

Commissioner Anderson said she thinks they realized there are some concerns to address. However, we will need an extension from you today, in writing, if you want us to consider tabling action on this plan. Mr. Suhr said he will write it tonight. Commissioner Anderson said her one comment for anyone who comes in and needs a time extension of a month or two she recommends the request of time is long enough so all issues can be addressed. Mr. Suhr said he would do the time extension request orally, and he will also provide it in writing.

Commissioner Cochran said that he will not be here as Commissioner in the future, but he is concerned that we have not addressed the elephant in the room and that is the cutting of the newly paved road. He said paving just the cut would create a bump in the road. He would not vote for a cut to the pavement unless we were talking about something more. It is a brand new and smooth road, and you are going to put a speed bump in there no matter how close you bring it to tolerance. He said that if he were here, he would only vote for the cut if they did something larger to prevent the bump. Mr. Suhr said they could work with the Township Engineer to see what would be required of that.

President Martin recapped that he heard a documented comprehensive community meeting is important, not that you reach unanimity in terms of approach, but at least that you have conversation and hear people. There are public safety concerns, school buses, fire protection and you should double-check those. Make sure with your property management arrangements, both for the road as well as the upkeep of the sewer system, that you have some degree of certainty.

We talked about the mail system, cutting the road, and the traffic study. If the traffic study meets the standards and criteria, who is he to argue with PennDOT, but he wishes it was more comprehensive. We talked about the power lines. The one thing that still frustrates him a little bit is that he had a conversation with the developer after the last meeting, it was not recorded, it is not binding, but we were concerned at those meetings about the density of these units so you did shrink down the square footage, but you did not address the density and perhaps you do not have to, but he thinks that would help ameliorate some of these other issues along with neighbor concerns. He said there was a willingness to do that and now it seems like there is a reluctance and that is okay, but he wants people to know that he feels slightly betrayed in that. Mr. Suhr said that was understood.

Carole Weakland, of 2513 Mill Road

Mrs. Weakland said the owner first approached her in April 2022 about coming onto her property, and she has not heard a word from them since April. The community arranged the meeting for November 2, 2023, with Steve Flemming at Baker's Restaurant, but other than that, she has had no communication with the property owner nor his representatives. Mrs. Weakland shared that almost every question someone asked Mr. Flemming, he would say, he was not sure, he would take it back to the owner. He never answered any questions. He did not satisfy us with anything.

Mrs. Weakland said she has lived at her home for 51 years. Ms. Weakland asked if there was a setback requirement for the retaining wall or if he could put it right up against her fence. Ms. Boyer said there is no setback requirement for fences and walls. Mrs. Weakland said someone told her there is about a foot or two between the retaining wall and her fence. She asked who would take care of the property in between that area, because no one takes care of it now. Her son comes and runs a lawnmower from her driveway up because it does not get cut consistently. She has cleaned the leaves on their property (referencing 2509 Mill Road) and now they say that whatever they are going to do by putting that curb in, she has to drive out into both lanes on Mill Road just to turn right because they want to put in a curb. Commissioner Cochran said he thinks the developer needs to find a compromise on that, if they are going to disturb your existing driveway, even if it is in the public right-of-way. He said the Board has defended people's property in the public right-of-way before when developers have come in and tried to change something that was not directly in front of their property, and he thinks we should do it again. He said the developer need to figure out how to make it work so that they can keep their radius and Mrs. Weakland can get out of her driveway. If you have to mill down the curb, that is ok, but Mrs. Weakland should not have to go up and down over a curb to make a safe right-hand turn. Mrs. Weakland also said that she can try to turn right off her property now and people are blowing their horns at her. Vehicles start breaking at her driveway so they can stop at the top of Mill and Lisburn, so this development will add additional traffic.

Ms. Weakland had questions about the utility pole relocation. She said that no one has spoken to her about where the electricity is going to come in at now, and that utility pole has an electric line that goes to her home, which is not shown on the plan. President Martin said you will have electricity, they cannot deny you that. He said he hopes as they do further studies and get information, they will have conversation with you.

Ms. Weakland said that when they approached her in April, she told them that she would think about it. They never approached her after that. At the meeting on November 2, 2023, she told Mr. Flemming that she does not have an agreement with them and never did, he said that he did

not know. She said Mr. Flemming said that they had an agreement with me and that they told the Board of Commissioners they had an agreement with me, and as soon as the attorney got the agreement ready, she would sign it. She said none of it was true. President Martin said her response was valid, and everyone tonight has heard it loud and clear. We want to make sure we have a better resolution with your driveway and with the development roadway, and that requires conversation and creativity. That is why the developers are experts and they can come up with a solution. Ms. Weakland asked if she needed to contact the developer for another meeting. President Martin said no. If the developer does not take the initiative to reach out to the neighborhood and talk to you as a group, and fill in those people who are absent, shame on them. He said he thought they got that message last time, but he guessed not. President Martin said things do change, but he thinks the way that they should change is there should be communication and interaction and compromise where it makes sense, and then people can come out and amicably live with the solution. If people are operating in a vacuum, he is not the developer, but if he were, he would apologize.

Ms. Weakland said the plans showed from the beginning that all those spruce pine trees between her driveway and the property owners were to be removed and new plantings would be put up. She was told by Mr. Flemming that he would take a couple down, but does not have to remove all of them. As it is now, she has nothing but pine needles and pinecones in her driveway. President Martin said that he thinks it is the responsibility of the developer to try to come up with an amicable solution that does not counteract her quality of life as well as the Gladfelter's and all that live there. He said he is going to be optimistic that we will see a different level of interaction and planning than we have to date.

Annette Simington, of 601 Wingert Drive

Ms. Simington said she is at the end where the swale collects. She asked when there is another community meeting that someone other than Mr. Flemming come since he was not able to answer any questions. She requested someone with the authority to make decisions for the developer be at the meeting. She said that since they bought their property in 1979, there were seven to eight blue spruce pine trees that developed root rot and were lost, because Wingert Drive dips downward and because of the way water runs down Mill Road. Her concern is that when they are putting in evergreens and the like, maybe there would be other trees better suited for this water runoff.

Additionally, in 1979, they contacted the school district and there was already an existing bus stop at Wingert Drive, but it stopped on the way up the hill because they said they could not see cars coming up Mill Road because of the curve. Now, the bus stop is on the opposite side of the road, so the kids have to cross over Mill Road. The bus does sometimes come out in the middle of the street, but not always. She said there are parents that stand out there as a safeguard. She said the speed limit coming up the hill is 25 mph but that does not always happen.

John Harms, of 604 Wingert Drive

Mr. Harms addressed the number of residents being placed on this lot and the elevations. He said there was an issue of incredible variation in elevation that occurs throughout the site. He said one issue is that an approval for the steep slopes came before the Zoning Hearing Board (ZHB). While the ZHB passed that Special Exception, most of this community could not attend, or noticed those types of issues that have presented themselves now. He is remiss to think that had all that been, some of those issues, the reason why we have those variances and things could have potentially alleviated a lot of the discussion and heartache on both sides of this contested issue.

Regarding the number of residents, blatantly contradicting the Board of Commissioners, when in the January meeting, President Martin specifically asked the property owner if he would entertain the idea of reducing the number of residences, to which there was an affirmative response at that time. Mr. Harms said he mentions it again, because we spoke with Mr. Flemming in the community meeting. He also suggested rotating the townhomes 90 degrees, though he knows how much work that would involve. He said it would probably lead to a decreased number of homes, but it would have achieved what the President had already suggested as a potential solution. By rotating the homes, it would mean the southern row of townhomes would look out onto a wood line and a field rather than pools and rear yards, alleviating privacy issues raised by neighbors. That is when we started talking about berms and tree heights and all that Mr. Harns thought it was an interesting idea to be considered, although he has no idea whether Mr. Flemming communicated it to the owner or not. President Martin said that is something that we cannot dictate or determine; however, everybody in the room heard the suggestion, and if he were the developer, he thinks he would be at a point where we would try to address some of these community issues because they are important.

Ms. Boyer said she had just received a written time extension until March 31, 2024.

Commissioner Anderson made a **MOTION** to accept the time extension request before us to table any action tonight and accept a time extension for this plan until March 31, 2024, **SECONDED** by Commissioner Walter. The motion carried unanimously.

President Martin addressed the attendees saying that he made a purposeful decision because he feels when we have this many residents who have interest in a community project, taking the time to come out and express themselves, we as a Board owe it to hear you. He said we do not know what the outcome will be, we are in this as a progression of events, and it is very important that you voice your concerns and that the developer and a professional representing them has heard it. He feels like he has just convened a community meeting that the developer should have had over the last four months. He hopes and he would strongly encourage and urge that the professional staff representing this plan that is here tonight, if you come back with the exact same thing and he hears again that you have not reached out, shame on you. He said that was with respect, he was not trying to indicate anything about professionalism or the companies you represent, but he hopes that you have learned something and observed something about what he feels is an appropriate community development process.

Mr. Fraser requested a five-minute recess. President Martin agreed.

PUBLIC IMPROVEMENTS COMMITTEE

Request for Advertising of HVAC Improvement to Township Municipal Building

The 2024 Proposed Township Budget included \$750,000 in the Facilities Improvement Fund for the Township Building HVAC Projects. The Project includes the replacement of energy recovery units, air handlers, and rooftop units due to end-of-life concern and interest in more efficient units. Additionally, the project included the installation of building automation systems and UV air purification systems. The construction estimates for all items to be bid will be in the \$825,000 to \$900,000 range to allow the Board the opportunity to evaluate and deduct items that are of lower

priority. There is some remaining evaluation that need to occur in the area of the truck shed, so advertising for bidding is expected to occur towards the end of January, with a request for Board action sometime in March.

The improvements are based on the results of the Long Range Facilities Plan that was developed and submitted in EI in August of 2022.

President Martin confirmed that this is to authorize the move forward in getting bids so that we can review them. Mr. Fraser said that was correct.

Commissioner Cochran made a **MOTION** to authorize the appropriate Township personnel to advertise for bids for construction services related to the Township Building HVAC Project., **SECONDED** by Commissioner Walter. The motion carried unanimously.

The Stormwater Committee and Public Improvements Committee scheduled for Tuesday was canceled due to lack of agenda. That will resume next month.

SANITARY SEWER SYSTEM

Consideration/Approval of GHD Rates

Joel Kostelac of GHD was present to share that this is the 18th year of the company's engagement with Upper Allen Township in matters of sanitary sewer and wastewater.

Mr. Kostelac shared that the press was delivered two weeks ago to the site for the sludge dewatering project. The old machine has been demolished. The new machine is set and is expected to be up and running by the end of January 2024. Commissioner Cochran asked if the piping, generators, pumps are all in place. Mr. Kostelac said that much of the ancillary work such as the roof, new blowers, valving is generally complete. The work associated with the press is not complete. Some of the ancillary equipment that feeds the press is currently in sludge pumps. Utility water supply has been installed. Some have been started up and some have not. It is well on its way. Commissioner Cochran said that the press is a different process, but he wanted to know if they could expect as long of a life out of this style of press as we had out of the belt press because that was in since the late 1970s. Mr. Kostelac said they do not make them like they used to, it is a different machine. There are fewer moving parts, so the old machine has belts and bearings and rollers and things that people can get and work on. This press is much more enclosed. If you have a problem, you call the manufacturer, and they will take care of it. He said he would like to say it is going to last another 53 years, but that is probably unlikely. Generally, the lifespan is a couple decades with some routine maintenance.

Mr. Kostelac said that the Township staff along with assistance from GHD about 8 months ago applied for Covid-19 ARPA, H2O Grant and like many local municipalities, Upper Allen Township was successful. This was for the Lisburn Road Trunk Sewer Replacement. The grant was for \$1 million dollars. President Martin said the Township has about \$900,000 that needs to be supplied by the Township, so that really is a big chunk and most of that should come from another developer, so it is quite a win. President Martin thanked Mr. Fraser and staff.

Mr. Kostelac shared the 2024 rate engagement letter. The average increase is about 6%, which is

less than last year's increase, which was around 8%. It is a bit higher than the course of 18 years which is closer to 4% or 5% year over year. This is due to catch up from COVID and other things that are occurring in the industry. The way we procure work on behalf of the sewer department is project-to-project. We do some as-needed work which that rate increase has minimal impact on the retainer. The only ongoing job project we currently have is the sludge de-watering project which should be wrapped up in the first quarter of 2024 and that budget is already established. We are tracking well under that budget at this point.

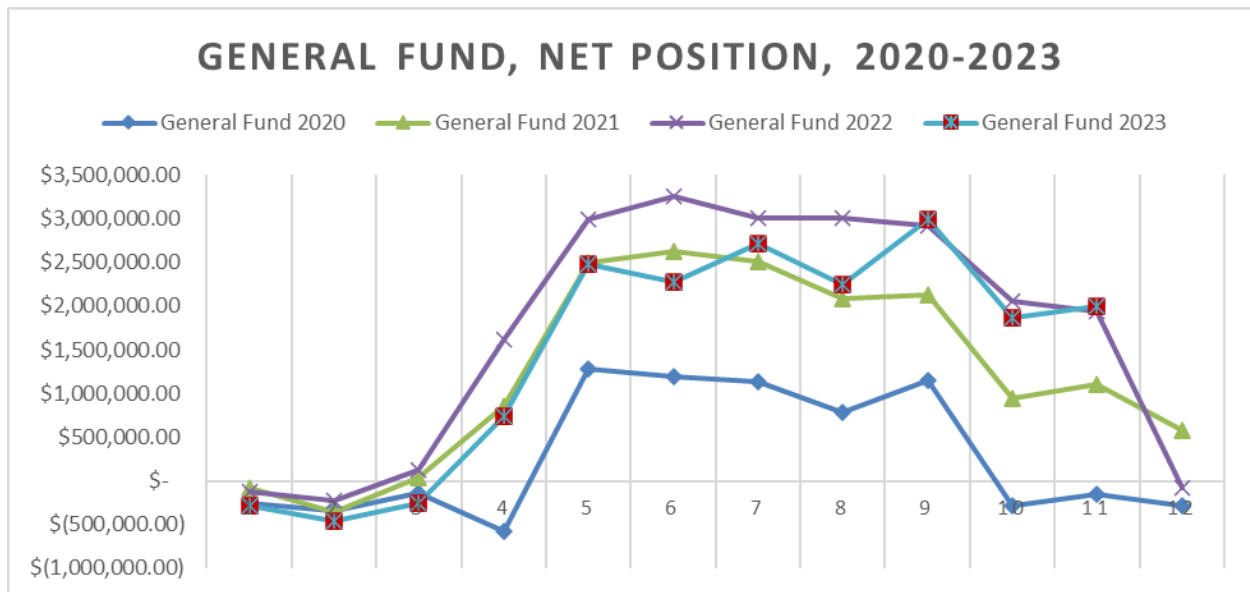
Commissioner Cochran said it is a higher than the rest of our engineering increases and that is a concern. Mr. Kostelac said he understands.

Commissioner Cochran made a **MOTION** to approve the 2024 GHD rate request as provided., **SECONDED** by Commissioner Walter. The motion carried unanimously.

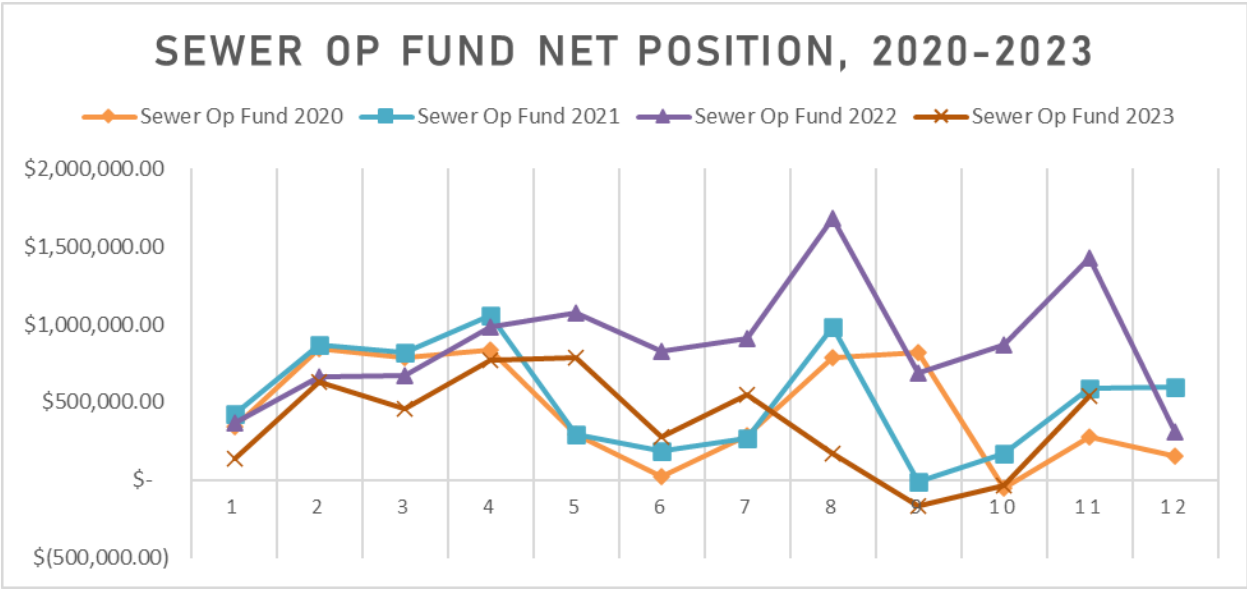
ADMINISTRATION COMMITTEE

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 November, General Fund Revenues Expenditures (all expenditures plus transfers) of \$670K exceeded Expenditures (all expenditures plus transfers) of \$532K by \$138K. This matches prior years trends, with 2023 exceeding net position 4 of the last 4 years. Revenues in November were mostly made up of Local Enabling Taxes (mainly Current Year Earned Income Tax) and Cable Franchise Tax payments. Most expenses were related to personnel and insurance related expenses.



The Sewer Operating Fund had an increase in net position in November to a positive position of \$539K from -\$38K. This matches 4 of the prior 4 trendlines, with a slightly more aggressive climb in November due to timing of sewer rental collections. Net position is expected to close out the year in the negative which matched budgetary expectations. Most of the revenues collected were sewer rentals, while a majority of November’s 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 at risk of operating in a deficit; all funds’ revenues (Revenue plus Fund Balance) exceed expenditures.

Authorization to Approve Budget Ordinances

Mr. Fraser said that the 2024 budget includes \$25,138,813 of expenditures across 14 funds. The 2024 budget levies a real estate tax of 2.75 mils. That is equivalent to \$2.75 per \$1000 of assessed value. That is an increase from 2.65 in 2023, an additional 10 cents per \$1000 of assessed value. Commissioner Cochran said that when we talk about revenue, he wanted to clarify that GASB says we have to treat transfers as an expense and revenue, but we really do not generate \$25 million in revenue because there is how many million dollars’ worth of transfers in there, 2 or 3. Mr. Fraser said if you look at the general fund without transfers is approximately \$10 million of expenditures with transfers of \$1,258,500 you get up to \$11,326,000. Commissioner Cochran said that we see the same kind of things in the fire department, the money comes in to the regular account and then gets transferred over to the savings account and so when people say we are spending \$25 million, not really, we are not raising \$25 million and we are not spending \$25 million, a lot of it is transfers, but that is what GASB says we have to do. Mr. Fraser said the true revenue in the general fund is approximately \$11,450,365, with a small transfer in there of \$8,500. Mr. Fraser said the expenditures do pick up a lot of the transfer. The general fund is probably the easiest one to see and explain, but when you get over to capital, you are taking those million dollars, transferring it as an expense and you are transferring the capital and then you might spend it out of capital that year and now you double the expense. Commissioner Cochran said that capital shows it as revenue. Mr. Fraser said it shows it as revenue, but then it shows it also as an expense, so you now have booked the revenue twice because you have transferred it over. You have also now

booked the expenditure twice. Commissioner Cochran said he thought it was important that people understand that. The numbers are not quite as big as they appear, but that is what GASB says we have to do. Commissioner Cochran said that we get as much money now from earned income tax as we do from real estate. He said that people think that all of our revenue comes from real estate, and it does not. Mr. Fraser said the earned income is larger. We are projecting that we will receive somewhere in the range of \$4.4 million in earned income while we only collect in real estate tax \$3.636 million general fund.

Consideration/Approval of Ordinance Adopting the Budget for the 2024 Calendar Year, Authorizing Expenditures and Levying Taxes

Commissioner Cochran made a **MOTION** to approve Ordinance 832, an ordinance of Upper Allen Township, Cumberland County, Pennsylvania, adopting the budget for the 2024 calendar year, authorizing expenditures and levying taxes, **SECONDED** by Vice President Castranio. The motion carried unanimously.

Consideration/Approval of Ordinance Appropriating Specific Sums Estimated to Be Required For The Specific Purposes Of The Municipal Government Hereinafter Set Forth During The Calendar Year 2024

Commissioner Cochran made a **MOTION** to approve Ordinance 833, an ordinance of the Township of Upper Allen Cumberland County, Pennsylvania appropriating specific sums estimated to be required for the specific purposes of the municipal government hereinafter set forth during the calendar year 2024, **SECONDED** by vice President Castranio. The motion carried unanimously.

Consideration/Approval of Resolution Establishing a Revised General Township Schedule of Fees

Commissioner Cochran made a **MOTION** to approve Resolution 1090, a resolution of the Board of Commissioners of Upper Allen Township, Cumberland County, Pennsylvania, establishing a revised general Township schedule of fees, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Consideration/Approval of Township Solicitor's Rates for 2024

Mr. Fraser noted that the last time the solicitor requested a rate increase was January 1, 2021.

Mr. Feinour said that it was a privilege to represent the Township for close to 14 years. He pointed out that there have only been three rate increases over those 14 years and we have done so under a hybrid arrangement where certain matters are billed on an hourly rate, but a majority of the time is attending meetings whether they are regularly scheduled, extra meetings, that is done under retainer arrangements which had never been increased until this year. He calculated over the last two years what the effective hourly rate would be based on the time expended on those matters and for both 2022 and 2023, as of October, it was working out to about \$68 an hour. We largely view the retainer hours as a matter of public service and are more than happy to continue on that basis. He noted that for the entire 14-year period, we have been below market rates for solicitors for most municipalities in this area.

Commissioner Cochran asked if his retainer from the Stormwater Authority should be authorized under the Stormwater Authority. Mr. Feinour said that was correct. President Martin said we can put that in the January agenda for the Stormwater Authority.

Commissioner Cochran made a **MOTION** to approve the rate increase absent the Stormwater Authority fees, **SECONDED** by Commissioner Walter. The motion carried unanimously.

Consideration/Approval of Township Engineer Rates for 2024

Mr. Reichard said that we are about to celebrate our 10th year working with Upper Allen Township. Commissioner Cochran said that the work Mr. Reichard does is superior to anything he was accustomed to in his 20 years. Mr. Reichard said we are similar to industry standard and that we are looking at a 2.3% increase going into 2024. President Martin said he thinks we have the best staff compliment we have ever had since he has been with the Township, and he thinks he would extend that to our professional 3rd party staff as well.

Commissioner Cochran made a **MOTION** to accept the 2024 engineering rates as submitted by C.S. Davidson., **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Consideration/Approval of Resolution Establishing a Policy to Implement and Apply Governmental Accounting Standards Board (GASB) Statement 54

Commissioner Cochran made a **MOTION** to approve Resolution 1091, a resolution of the Board of Commissioner of Upper Allen Township, Cumberland County, Pennsylvania, establishing a policy to implement and apply governmental accounting standards boards (GASB) Statement 54, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Consideration of Re-Appointment of Stormwater Authority Board Members

Commissioner Anderson made a **MOTION** to table the consideration of the reappointment of Stormwater Authority Board Members to our next meeting on January 2, 2024., **SECONDED** by Commissioner Cochran. The motion carried unanimously.

PARK AND RECREATION COMMITTEE

Vice President Castranio attended the Joint Rec Meeting. They updated their software to track activities.

MISCELLANEOUS

Solicitor Update

There was no report.

Tax Collection Committee (TCC) Update

There was no report.

Capital Region COG Update

There is an annual meeting in January.

Municipal Advisory Board (MAB) Update

There was no report.

Pennsylvania State Association of Township Commissioners (PSATC) Update

There was no report.

PUBLIC COMMENT

Eric Fairchild, of 1224 McCormick Road

Mr. Fairchild said that he got an email from the Wolf House moving company and they are now saying the house will be moved on Friday.

President Martin said there will be an executive session to discuss legal matters.

Commissioner Walter

Mr. Walter said that it was a great experience. He still remembers being asked two weeks prior to the primary if he could run. He did a write-in campaign. He talked about 2020 and COVID and trying to be a new commissioner. He said that one of the reasons he got asked is because of his public safety and term as a fire fighter/EMT/EMS chief for years. Public safety runs in his family and the legacy continues today. He said that being a commissioner is an awesome responsibility and honor. He said that even when he was EMS Chief, they strived to be the best in the county, and he said the Township is the best in Cumberland County. The police and fire department are second to no one. This is proven every day by the people who want to move here. Everyone wants to say that we have to stop development. There is a reason why that development is happening, it is because we are the best area to move to. We have good school, fire department, police department and Board of Commissioners. It is a challenge to make decisions on these developments. As a business owner, you do not all want business, but business is what is going to help us with our tax situation down the road. Having operated a business since 1958, he has a lot to say about why we need more business in this area. He remembered that as a businessperson, we had a desire to be involved in the Township. His father-in-law was involved in the fire department. He was one of the first people on the ambulance when it started. It runs in his family. He is proud to be here. He appreciates the honor of the four years. He plans to spend more time in Myrtle Beach. He thanked everyone for the opportunity.

Jim Cochran (from his written text that was shared for the minutes)

35 years ago, my wife encouraged me to attend my first Mechanicsburg School Board Meeting. Little did I know that that visit would lead to 34 years of elected service representing the people of Upper Allen Township.

I recall an outgoing member of the board telling me, "Jim you are not the owner of the district. It belongs to the people who have elected you. You are the caretaker of the school district. It was

here before you arrived and will be here after you leave. Leave it in better shape than you found it and you will have done your job.” I have had many fond memories of my 14 years on the school board, but I am most proud of two: I lead the creation of the Wildcat Foundation and the fact that when I left, the district was in better shape than when I arrived.

I ran for the Upper Allen Township Board of Commissioners because I felt that the working relationship between the township and the school board needed to improve. When I joined the Board in 2004, I quickly learned that there were bigger problems to immediately address. First, I learned that the township had been sued by the developer who claimed the township was trying to restrict development by limiting sewer capacity. The township lost the suit and was forced to turn to another developer for help in increasing sewer capacity. First lesson learned, make sure you have a legal standing to make decisions. Second thing I learned is that two commissioners were the subject of an ethics investigation and subsequently they both resigned from the board. Second lesson learned, there are watch dog agencies for commissioners who act in an unethical fashion. Third thing I learned is that the township was in serious financial trouble. Previous commissioners took great pride in decreasing taxes as the township grew, never saving for maintenance of a growing infrastructure and the day of reckoning had finally arrive. With only three commissioners remaining on the board it was left to Commissioner Anderson and I to pass the largest tax increase ever passed and set the township on the road to financial recovery. This history of Upper Allen is something that many current residents have no knowledge of. They believe Upper Allen was always well run.

With money in the bank the Board set about correcting deficiencies. I have always felt in the hierarchy of township needs public safety comes first, followed by public works, sewers and roads and finally parks. To that end we increased the police force from 1 officer patrolling at night to a platoon of officers patrolling 24 hours a day. We established a replacement schedule for the fire department so our volunteers would have old equipment replaced on a timely basis. We created a fire tax that provides a million dollars annually to pay the mortgage on the fire station, put money away for equipment upgrades, and provides more than \$250,000 in support for daily expenses.

In Public Works we created a comprehensive plan to upgrade or replace every township road over a 12-year period. We set up dedicated tax funds that provide about 1 million dollars annually for this purpose. We improved our sewer plant to meet all current state requirements, yet we maintained one of the lowest sewer rates in the county.

Lastly, we created dedicated funding for our parks. Our public parks have become the envy of many Cumberland County municipalities and a joy to our residents. We have stressed accessibility for all at our large parks. Our first fall festival this year drew almost 3,000 residents and was the talk of social media. We accomplished these improvements by applying for and winning grants that have provided millions of dollars in park improvements without township taxpayer expense. These are things I am proud to have been a part of and I leave the township in much better financial shape than I found it.

I would be remiss if I didn't mention the people that have worked with me to achieve these accomplishments. The four commissioners sitting with me tonight plus Paul Rigney are fine people and the best commissioners I have had the privilege to work with during my 20 years on the board. I thank them for putting up with me and I leave with many good memories of the times we shared.

Our township staff, police force and fire department are excellent and I wouldn't trade them for any other staff in Cumberland County. You see the PA First Class Code in Section 1502 lists the many duties of a 1st class township commissioner. While numerous, they all revolve around setting policy for that is the job of a township commissioner in PA, setting policies. It is our township staff that takes policies and turns them into actions that create a great place to live. I thank each and every employee and volunteer for the work they do and have done to make Upper Allen Township such a great place to live. A very special thanks to Scott Fraser who built and leads this staff masterfully.

In closing I have to mention a conversation I had last meeting with Commissioner Elect Fairchild. He approached me and asked if I had gotten over my election loss? I responded that I was fine with the loss, but still disappointed in the number of lies and amount of misinformation he used in his campaign. He responded, "It's politics Jim, you have to play the game." I am proud that I have never "played the game." I have lived by the Thomas Sowell axiom, "If you want to help people, tell them the truth. If you want to help yourself, tell them what they want to hear." The truth is not always popular, but telling people what they want to hear eventually catches up with you. When that happens you then get 'trounced' in your re-election bid. Not my words, taken from an article in the Patriot News May 21, 2003.

So I leave this role with my dignity intact and my conscious clear. I thank the residents of Upper Allen Township for their support and wish the Township well in the future. Thank you.

President Martin said there is mutual respect and admiration. He echoed that most of his tenure has been with this group. He really appreciates and he thinks Commissioner Cochran said it well, we do not always agree, but what we have done is in the best interest of our Township residents and we usually come up with solutions that work and so thank you both, Jeff and Jim. President Martin said that Commissioner Cochran made a mark in this township. Commissioner Anderson said that she and Commissioner Cochran have not always agreed, but we have talked through it and it has worked well.

The executive session ended at 10:45 p.m.