

**MINUTES
UPPER ALLEN TOWNSHIP
BOARD OF COMMISSIONERS – 6:30 P.M.
NOVEMBER 16, 2022**

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

CALL TO ORDER

President Martin called the November 16, 2022, Board of Commissioners meeting to order at 6:53 p.m. A moment of silence was observed, and The Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Fraser.

PRESIDENT'S ANNOUNCEMENTS

President Martin said that he hoped people participated in voting last week. He also mentioned that the Commissioners received a letter of thanks from the Board and Homeowners of Arborfield for reapplying sealer to their streets.

CONSIDERATION/APPROVAL OF MEETING MINUTES

Commissioner Cochran made a **MOTION** to approve the Minutes of the October 19, 2022, Board of Commissioners meeting, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

PRESIDENT'S RECOGNITION OF VISITORS

Patty Sanker, Trustee on the Board of the Joseph T. Simpson Public Library came to speak to the Board. She shared folders of information including their annual report and information on the library. Their biggest initiative this year was to purchase the old Agway building. They have received a grant to help with renovations. She thanked the Board for their support of the library.

CONSENT AGENDA

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

Consideration/Approval of Staff Reports

Consideration/Approval of Bills in the Amount of \$1,272,064.82

PUBLIC SAFETY COMMITTEE

FIRE DEPARTMENT

Chief Shumberger shared that they had 50 calls last month with an average of six people per call. Twenty members of the fire department participated in school safety training. Santa Claus will be coming to Upper Allen Township on December 10th and 11th. The routes will be published on Facebook and on their website. The Peyton Foundation is looking to put AEDs in the Community. They want to put one on every block.

POLICE DEPARTMENT

Chief Parsons shared that a traffic study was done on Kim Acres and discovered there is a speeding problem on the 100 block. Last evening, Upper Allen Police and Fire and Mechanicsburg Police and fire did a two-hour training. President Martin complimented the training with both municipalities. He also shared that the Township had a meeting with school administration this fall about putting an officer in the school and as of yet, the school has not expressed interest in doing so.

PLANNING AND ZONING COMMITTEE

**CONSIDERATION/ADOPTION OF A RESOLUTION APPROVING THE
INTERMUNICIPAL TRANSFER OF A RESTAURANT LIQUOR LICENSE INTO THE
TOWNSHIP OF UPPER ALLEN FOR THE WILLOWS AT ASHCOMBE MANSION
FOR THE PREMISES AT 1100 GRANTHAM ROAD**

On October 13, 2022, the Township received a request to consider the transfer of a liquor license to The Willows at Ashcombe Mansion at 1100 Grantham Road. The Willows at Ashcombe Mansion currently operates as a special event venue.

The township must hold at least one public hearing to afford residents an opportunity to provide comments and recommendations. The Board has 45-days to render a decision to either approve or deny the transfer request, or until November 27, 2022.

TIMELINE

PLAN REVIEW PERIOD	CURRENT DATES
Application Date	10/13/22
BOC meeting to discuss request and authorize advertisement of a public hearing	10/19/22
BOC Public Hearing Date (1 hearing required). Hearing date must be advertised for two consecutive weeks prior to the hearing.	11/16/22
Last Available BOC Meeting to Take Action	11/16/22
BOC Decision End Date (within 45 days of request)	11/27/22

PUBLIC HEARING

Per the PA Liquor Code, a public hearing is required, which allows the municipality to receive

testimony regarding the approval/disapproval of the request. The public hearing was properly advertised in The Sentinel newspaper to take place on November 16, 2022 at 6:00 p.m. The ad ran on November 1st and November 8th, 2022, and copies of the ad are available at the Township.

Following the close of the public hearing, the Township must render a decision by ordinance or resolution approving or disapproving the Applicant's request. The ordinance/resolution must state the name of the applicant, the address to which the license is being transferred, the license number, the name of the seller, as well as the date, time, and place of the public hearing.

Commissioner Anderson made a **MOTION** to approve Resolution # 1072, a resolution of the Township of Upper Allen, County of Cumberland, Commonwealth of Pennsylvania, approving the intermunicipal transfer of a Restaurant Liquor License R13939 currently owned by Fox Foods, Inc., d/b/a CJs American Pub & Grill, located at 487 E. King Street, Shippensburg Township, Cumberland County, Pennsylvania 17257, to BD&D Events, LLC, d/b/a The Willows at Ashcombe Mansion ("Ashcombe Mansion"), located at 1100 Grantham Road, Mechanicsburg, Cumberland County, Pennsylvania 17055, as required by the Pennsylvania Liquor Control Board, into the Township of Upper Allen, **SECONDED** by Commissioner Walter. The motion carried unanimously.

ASSESSMENT REPORT FOR TOWNSHIP MUNICIPAL HISTORIC DISTRICTS

In March 2021, we began discussing the Township's existing historic districts and why the Township's Municipal Historic Districts were created. Since there is limited information from when the districts were established in the 1970s, we hired a consultant to do some additional research. We discussed a two-phased approach to address questions as to (1) how and why our existing historic districts were created, and (2) should the Township consider creating a comprehensive list of historic properties instead and/or in addition to having municipal districts.

In May 2022, Navarro & Wright Consulting Engineer's Inc. (N&W) was hired to review the Township's existing four historic districts and determine if they meet the criteria set forth by the National Park Service, as the first part to this process. Their Reassessment Report was presented and acknowledged by the Board of Commissioners on September 21, 2022.

On October 18, 2022, staff presented the Reassessment Report to the Historical Architectural Review Board (HARB). A lengthy discussion ensued. An overview of the discussion and HARB's recommendations for each respective district are as follows:

Rosegarden Historic District.

1. Reassessment Report

When the district was created, it consisted of three buildings. The mill, which no longer exists, was the focal point of the district. The district lacks unity and the variety or resources required for a district. This district should be dissolved, because it does not "*convey a visual sense of overall historic environment or be an arrangement of historically or functionally related properties*".

2. HARB Recommendation

Conversation ensued about the mill and its turbine mill. In 1740, the type of turbine mill used was unique, and the foundation (the last remnants) of the mill should be prereserved. This was a

split decision. Some members felt that one property does not equal a district, while others were not opposed to dissolving the district if the home and summer kitchen were placed on a historic structure list. Some did not want to see the home and summer kitchen razed or altered by the property owner if the district were to be removed. One resident, who lived on McCormick Road, thought the district should remain. HARB recommended not to dissolve the district at this time and the boundary should remain as is (Vote 4-2).

Trout Run Historic District.

1. Reassessment Report

No information exists as to why this district was created. It is assumed the homes and their agricultural pasts were considered. There is a lack of continuity among the properties, and the area has lost its association with agricultural pasts. The district should be dissolved, because the lack of historical context is unclear as to why this district was created.

2. HARB Recommendation

Discussion ensued regarding the definition of significance and integrity and how those terms applied to this district. According to one HARB member, two Cocklin brothers moved to this area to simply build their farms around the springs. The springs were meant to bring good fortune. When that HARB member bought their home, it had already been gutted in 1869. They gutted the remodeled home and restored it to the original period using historic materials from another home being demolished in Lancaster County. They also mentioned the Tudor style home mentioned in the report was a corn crib that had been moved to the site and converted into a home. The home at 1008 W Lisburn Rd was designed to replicate the Moravian style architecture from Pennsylvania, although not evident in the Cumberland County area.

One resident who lives on Gettysburg Pike asked if the homes in Ashcombe were included in the district. HARB and staff agreed they were, and they were subject to review by HARB and the BOC for Certificates of Appropriateness.

Several HARB members agreed that the sense of the past is evident, and the area makes you think about the resources here in the Township. HARB recommended not to dissolve the district and that the boundary should remain as is (Vote 6-0).

Yellow Breeches Historic District.

1. Reassessment Report

The original recommendation lacks a context and significance for the area. Therefore, it was assumed that when the district was created nearly 50 years ago, the agricultural feeling and setting was a defining characteristic of the district. The district included several buildings from the eighteenth and nineteenth centuries; therefore, the period of significance is assumed to end in 1900. Buildings constructed after 1900 were considered modern intrusions since they lack a feeling and association to the older 18th and 19th century structures. The millennial mansions do not contribute to the district, only occupying the agricultural fields that were once part of the feeling/setting of the area. The majority of the twentieth century dwellings are not nor have never been associated with agriculture nor milling. They also lack a cohesive feeling of a period and style, leading to a disruption in the historic feeling that was here 50 years ago. The district should be dissolved, because based on the assumed reasons for creating the district, the district

lacks a context and significance for the area.

2. HARB Recommendation

Several HARB members mentioned that this is the most walkable and most enjoyable district in the Township. The district is comprised of large lots and picturesque views. Some HARB members disagreed with the assumption that the district had an agricultural past, and that alone was not rationale for solution. No knowledge as to why the district was created was given.

Several residents spoke about this district. One person noted that the *Early Architecture in Upper Allen Township* Book contained incorrect information about their property, and that it was built before the time described. They also stated a former president had visited the home, among others, and a civil war veteran once lived on the property. They also stated an addition was built onto their home many years ago, and without HARB's approval since it was believed that only McCormick Road was in the district. One person believed some residents had incorporated historic features into their home, although it was not noted what features or if they represented the same architectural style and period of the district. Another person believed the homes in Allen Glen were set back to support the district. Another person asked if criteria could be created to apply uniformly to all properties within the district. He mentioned wanting fairness, as properties along the same street had different types of materials (window material was specifically mentioned), making it more difficult to improve their property.

HARB recommended not to dissolve the district and that the boundary should remain as is (Vote 6-0).

Shepherdstown Historic District.

1. Reassessment Report

Gettysburg Pike was the main route between Harrisburg and Gettysburg, and the main thoroughfare through Upper Allen Township. Shepherdstown then became the largest settlement in the township. This district should remain with modifications.

This district should remain, but with modifications to its boundaries. The original period of significance was approximately 1825-1868. The cut-off was the year in which the preservation group set as a cut-off date for their book, which was an arbitrary date. Gettysburg Pike served as a primary transportation route into the early twentieth century. The period of significance for this area should be 1825-1920. The 1920s is when the development of U.S. Route 15 occurred, which routed traffic away from residential areas and the village was no longer an important stopping point.

Much of the district retains its historic integrity. It meets the criteria for a historic district based on the transportation that arose from Gettysburg Pike. It also meets criteria for architecture, as there is a feeling of unity along Gettysburg Pike with an identifiable entity as a district. N&W recommends a slight boundary change to better reflect the period of importance. Enclosed is a comparison map showing the existing boundary and the proposed boundary.

2. HARB Recommendation

Discussion ensued about the district. One HARB member stated the demolition of 235 Gettysburg Pike and ambiguity among historic district maps is what started this project. HARB members agreed with most of Navarro & Wright's report that this district is intact and significant. There was some discussion on the proposed boundary changes.

Several residents spoke about this district. One person asked if the uses permitted in the zoning district affected the historic districts. One resident said they were unaware their home was in a district. Their home was built in 1959, so they did not consider it to be historic. Another resident said that their property has been vacant for about 12 years. The home is in disrepair, and there is no historic significance about the property other than possibly the year it was built (date unknown). They asked that their property be removed from the district.

During HARB's discussion, the board appeared to have different opinions as to whether the district should be redrawn. Discussion ensued about different properties; no reason was given as to why certain properties should also be added to or remain in the district. HARB recommended the district boundary be redrawn to match that of Navarro & Wright's recommendation plus the inclusion of 239 Gettysburg Pike (built ca. 1923), 301 Gettysburg Pike (built ca. 1959), and 303 Gettysburg Pike (built ca. 1960). The property at 311 Gettysburg Pike would be considered later (Vote 6-0). A revised district boundary map enclosed.

Conclusion

Historic resources can be buildings, structures, landscapes, sites, artifacts, etc. that have been deemed historically significant in the community context. While many resources are deemed of national historical significance, the township can still decide what is important to them.

When establishing new districts, ideally the district boundaries should define areas where historic integrity is largely intact and with few intrusive or non-contributing structures. While not every building within the district must be surveyed, the township should know its history so it can decide if it is worthy of preservation. Decisions must be made based on findings of fact and not arbitrary or personal taste.

When the districts were created in 1975, there should have been a comprehensive survey of the properties within each district and the scope of the districts historic value. As we now know, limited information was provided as to why each district was created. Based on comments from PHMC's letter for Determination of Eligibility, it references the *Early Architecture in Upper Allen Township* book. Recently, we gained knowledge that there are multiple inaccuracies in this book. The book also lacks context as to why each district was deemed historically significant.

Next Steps

Staff hereby requests the Board of Commissioners consider acting on how the township should move forward with its municipal historic districts. Once we determine which districts should remain, be dissolved, or be amended, staff can begin updating the official map and Chapter 155.

President Martin suggested to have general discussion with the Board and if we want to do any action tonight, we do it district by district as opposed to the whole.

Shepherdstown Discussion

Commissioner Cochran asked why HARB recommended including houses built in 1959 and 1960 in the Shepherdstown Historic District. Ms. Boyer said HARB did not give any reason.

Joseph Botchi, Chairman of the Historical Architectural Review Board, 4001 Ashburn Way
He said the rationale for keeping those two properties was to keep a sense of community rather than create a jagged line. The homes are mid-century homes, so they can be historic as well.

Matthew Taylor, of 900 McCormick Road, HARB Member
HARB voted to keep all the districts in place so that the historic properties in those districts would not be left without protection while we explore methods to be able to call out individual properties. Then we can dissolve the districts. The challenge with each district is there have been more modern homes built amongst the historic ones, and the modern homes should not be held to the same standards as the historic homes. Commissioner Cochran asked if until that happens do we need to put all the new homes on notice that they are in an historic district and they cannot do anything without coming to HARB? Mr. Taylor said that is not his opinion. President Martin asked why the new homes should be in the district. Mr. Taylor said the districts already exist, and the newer homes are already in the district. Commissioner Cochran questioned whether it makes sense to take out the newer homes now. Mr. Taylor said it is the power of the Board, but we do not need to hold a house built in the 50's and 60's to the same standards as the historic homes.

Ms. Boyer provided a map of the Shepherdstown Historic District, noting that 235 Gettysburg had already been removed under separate action from the Board in 2020. The map also identified an alternate boundary line, as suggested by Navarro and Wright and HARB.

John Esser, of 311 Gettysburg Pike
He said he owns 311 Gettysburg Pike, which is adjacent to two of the homes built in 1959 and 1960. In the Navarro and Wright assessment, there are some inaccuracies with the property. The report says it was built in 1845 or 1865. He hired an abstract historian who said it was built between 1922 and 1936. It is a frame structure and there is nothing historic about it. He appeared before the HARB last night to discuss his application for a demolition permit, which HARB recommended approval. He said that if 301 and 303 Gettysburg Pike were to be included in the district, his property would be a vacant piece of land within a peninsula. He said the church's property has been excluded and he would like 311 Gettysburg Pike to be excluded as well. President Martin said that on face value, there is some credibility to his suggestion. Commissioner Castranio asked if a new home was built on his lot, would his new home be reviewed by HARB? Ms. Boyer said currently, yes.

Eric Fairchild, of 1224 McCormick Road
He believes the district provides harmony. He said he has heard Commissioners say before that whatever is built should be in harmony with what else is in that district. He said he relates as a layperson that the HARB is kind of an HOA. He believes we have a lot of newer developments in Upper Allen that have a desire for harmony. It used to be that if you did not want zoning, you could move to Perry County. Now you come to suburban townships to have that supervision.

President Martin said that he hears Mr. Fairchild's comment, but the discussion now is whether the three properties in question compliment what is there, as they do not look and feel like the rest of the village. He would suggest that 311 Gettysburg Pike is going to be the same thing. He thinks we could maintain that harmony and cohesiveness architecturally in the district without those four

properties. There would be a cohesive district if we follow the drawing that the consultant proposed and just omit 311 Gettysburg Pike.

Commissioner Cochran said when the Board reviewed the demolition permit for 311 Gettysburg Pike, we said any new construction should maintain a consistent look and feel, thinking it was surrounded by historic buildings, but it is not. If he would have seen this map then, he does not think he would have made that assertion.

President Martin said that directly across the street from 311 Gettysburg Pike, there is a lot showing on the map that is not shaded, and he wanted to know when that was built. Ms. Boyer said 308 Gettysburg Pike was built in 1952.

Lowell Gates, of 1140 Gettysburg Pike

He said that when looking at historic districts as a concept, it seems we are placing burdens on the property owners that prevents them from putting their property to a good use. He said that as a homeowner, he purchased the old Rose Garden Farm in 2009. It was in terrible condition, yet very historic. He said when they decided to buy the property, they made sure it was not in a historic district nor on national registry. They knew it would be difficult to renovate, and they would have not purchased the property if it was within a designated district or list. He believes anyone who buys a historic property wants to preserve that history, regardless of whether it is in a designated district. Do we really need the historic districts, or can we trust the citizens of Upper Allen to do a good job? His concern with HARB is that all they are doing is substituting their opinion with the homeowner's opinion.

President Martin said he hears Mr. Gates' concerns and comments and that personally, he would rather have a well-kept home that looks nice and not necessarily designed historic than to have an historic structure that is not well kept, and it is in shambles.

Phil Walsh, of 443 McCormick Road

He said he takes exception to the idea that it is a burden to the property owner. If you buy a property next to an existing pig farm, you don't have much of a right to complain about the smell, but you knew the farm was there going into it. Anyone who sees these historic districts for what they are and accepts those responsibilities are the kind of people we want moving into the area.

Eric Fairchild, of 1224 McCormick Road

He said it is sad that no one has a viable plan to work on the Union Hotel. Ms. Boyer said someone does own it and they have been renovating it for the last few years. The property owner has come before HARB and the Board of Commissioners with a couple of different renovation requests.

Commissioner Anderson suggested we look at each district separately and then have Ms. Boyer come back next time with any suggested updates. Ms. Boyer said she is looking for direction on the districts so that we can create an updated map and ordinance. President Martin said that once the new map is drawn and the districts identified, there will be additional public meetings and conversations. Our actions tonight are to give guidance to staff. Commissioner Cochran suggested that for the Shepherdstown District we eliminate anything on the eastern side of Gettysburg Pike from 239 to 333 Gettysburg Pike (referencing map #3 of the packet). It was suggested that we use the boundary suggested by the consultant (map #1) and remove 311 Gettysburg Pike.

Commissioner Cochran made a **MOTION** to use the boundary suggested by the consultant (referencing map #1) and remove 311 Gettysburg Pike from Shepherdstown District, **SECONDED** by Commissioner Walter. The motion passed unanimously.

Yellow Breeches Discussion

Ms. Boyer provided a map of the Yellow Breeches District, which identified the properties listed in the Early Architecture Book, as shown in blue. Properties shown in white are considered modern developments. Ms. Boyer said there is no information as to why certain properties were chosen for this district and their common theme. When the Pennsylvania Historical and Museum Commission (PHMC) certified the district, they referenced additional information as shown in the Early Architecture Book, so we must assume the properties in blue were used as identification markers for the district boundaries. Commissioner Cochran asked if we are assuming that Navarro and Wright agreed that those properties in that district are of historic nature? Ms. Boyer said they do mention the properties identified may have some historic past to them. The consultant really tried to look at why the district was created, because we do not have a clear, definitive reason. The consultant had to look at the district and ask if it would meet today's standards for being designated as a district. The consultant assumed a common denominative feature of the area was related to an agricultural use, because the area did not meet any other standards. The consultant's report does mention the existing homes and the time periods in which they were built. Commissioner Cochran said land wise, the vast majority of the land contains modern development. Ms. Boyer said that was correct because some of the agricultural land may have been sold off and developed over the years.

Brock Montgomery, of 928 McCormick Road

He owns the mill built in early 1700's. His home was the McCormick Chauffer Cottage built in 1900. He said he does not understand the emphasis on agriculture. He does not agree that a lot of developers would buy something in a historic district if they were not going to take care of or rip it down. Commissioner Cochran said that for clarity, we are not talking about changing the zoning. We are discussing the historic nature of the district that we have set up. He does not want people to think that if there is no historic district, then these properties are all cast to the wind, which is not true. Mr. Montgomery said he does not want handcuffs on himself or what he does. He said there is a middle ground of being regulated by HARB and needing to do all the stuff to your home.

Rebecca Walsh, of 443 McCormick Road

She referenced the area is zoned as low-density residential (R-1 District), and that Autumn Chase has apartments/condominiums going in there, which she believes was zoned the same. Ms. Boyer said the Autumn Chase development is zoned differently, with a Planned Residential District (PRD) overlay, so the developer is allowed to have different types of homes. Ms. Boyer said when Autumn Chase was approved, the zoning allowed for the PRD overlay for tracts of land that were 100 acres or more in size. The PRD overlay then allowed for a density increase and the ability to develop different types of residential uses and some commercial uses. Ms. Walsh asked if someone had a 60-acre property on McCormick Road, could they then get a PRD approval. Ms. Boyer said no, a tract of land must be 100 acres or larger. Under the most recent zoning ordinance, PRD overlays are no longer permitted in the R-1 District, only on tracts of land 100 acres or larger in the Medium Density Residential (R-2) District. So, no development could get a PRD overlay approval along McCormick Road or for any property that is not zoned R-2.

Ms. Walsh also pointed out that the shading on the map is wrong for the Becker property (2800

Allen Glen Drive), and 443 McCormick Road should be shaded. Ms. Boyer said she will look into it and make any necessary correction.

Phil Walsh, of 443 McCormick Road

He has lived here for over 23 years and only in the last couple of months found out he lived in an historic district. He thought his property was in the historic district when they bought it but was told by Township staff that if part of his property was not inside the “blue line” on their map, then we weren’t in the district. The front of his yard is, but that’s it. Subsequent work on his property was done without going through the HARB process. He even confirmed he had paperwork from 2001 submitted to the township, including a map that showed the district boundary line based on what the engineer provided.

When he heard the Township was doing an assessment of the historic district, he was thrilled. He thought it was a survey to clarify the boundaries of the properties, not an attempt to justify the dissolution of the historic districts. He noted the Navarro and Wright report has a number of inaccurate references to his property. The boundary property is wrong on the map, and he disagrees with the reference that it was built in 1850 (reference from the Early Architecture book). It is actually circa 1800. His deed references the farm in 1803. It was not in the 1798 direct tax and the quote “old log barn” was replaced with a brick barn in 1830 which predates 1850 by 20 years. The reference the log and brick building was encased in brick in 1850 and therefore the original structure was covered was ridiculous because in 1975 it was in fact that encasement they were trying to preserve. They did not see the log structure inside. Mr. Walsh asked that the Township maintain the district and expand it to the east. While some of the properties are referenced as modern infill, a lot of these people moved here because it was so beautiful. They went to great lengths, expense, and effort to design their homes, regardless of going before HARB.

He also did not understand the reference to 1920 in the consultant’s report, because the folks who made the Early Architecture book were looking at these properties in 1975. He wanted the rationale for choosing the early 20th century as a cutoff date. Commissioner Walter said the 1920 reference was only for the Shepherdstown District, because the period of significance began to wane when Rt 15 took away from the traffic. The 1920 date is not referenced for the Yellow Breeches district.

Ms. Boyer said when the *Early Architecture in Upper Allen Township* book was put together, it was a group of people who walked down the street, knocked on doors and said can you tell me about your property. Some people refused to answer, some said this is what they heard through the grapevine, etc. It was a lot of old stories and we simply do not know what facts were collected. Again, she reiterated that Navarro and Wright was tasked with determining why the districts were created so that the Township could create a set of standards for each district and create a better map of the districts. The only information Navarro and Wright were given as a starting point was the *Early Architecture in Upper Allen Township* book and the certification information from PHMC, because that is all the Township has on record. For the Yellow Breeches district, our information says it was comprised of a certain number of properties. The consultant had to take those properties and determine how they were related historically and assume a reason as to why the district was created the way it was.

Mr. Walsh asked if they interviewed the people who developed those districts in 1975? Ms. Boyer said the consultant did meet with people, but she didn’t know who or what was discussed. Commissioner Anderson said the Yellow Breeches book came out 50 years ago and President Martin

said that he does not think you can fault anyone. Mr. Walsh said that there are inaccuracies in the information on his property. Commissioner Anderson said that is why we are talking about it.

Mr. Walsh asked if the Township was going to vote this evening on the dissolution of the district. President Martin said that if we were to do so, it is only a recommendation to staff as they move forward. Mr. Walsh asked to leave the district on the map as it is and then go through the process. President Martin said we could do that, but at some point, there still must be more research and work done. To him, Shepherdstown is a village, and it is a collection of places that seem to make sense. Some of these other districts appear to be kind of a spattering of historic properties here and there with modern infill. For example, the home at 421 McCormick is beautiful but it does not look historic. The same for 605 McCormick. There is not a cohesive group among this area. We are trying to wrestle with how staff go about making sense of all this and identifying areas that are really of historic character and history versus ones that are more modern.

Mr. Walsh asked what the Board want to accomplish this evening with regards to each of the historic districts? President Martin said we have received the report from the consultant and HARB's recommendations, and now we are taking all that information, including our own observations, and giving policy direction to staff. Commissioner Cochran said the issue we have stumbled upon is that no one can tell us why these districts were created this way, so we are trying to make logical sense of it to move forward. We've discovered it's a problem, so we must now clean it up so it makes sense and it is consistent.

Mr. Walsh said why not reinforce or strengthen the district rather than dissolve it. Commissioner Cochran said that as Mr. Walsh said, there are some people, including you, who bought these properties without knowing they are in a historic district. He questioned why the board would want to impose the historic district requirements on someone who bought/built a home in the late 1990's or early 2000's. The lots in this area are very large and it is not like a village where you are sitting one house right next to another up against the street. To him, it does not make sense or feel fair that if someone bought a house that was built 15-30 years ago, and now say you are in a historic district and if you want to make any changes you need approval from HARB and us. Mr. Walsh said he thinks you can do that. Commissioner Cochran said he did not say we could not do it, he said it does not feel fair and you will not convince him that it is. Mr. Walsh said he does not think it feels fair either, but you are going to have to hit the restart button if you want to preserve and save the historic nature of these districts. President Martin said that part of the quest for information may include ways of identifying properties and preserve them without having a district and/or causing hardship on people who have more modern properties. President Martin is not certain there needs to be a district to achieve what he is hearing Mr. Walsh would like to achieve.

President Martin asked Mr. Walsh what advantage it has been to you and your family to have your property in the HARB district? Mr. Walsh said that HARB is a fabulous resource, a wealth of information as regards to resources, materials and contractors. President Martin said he was not aware that our HARB played that role. Mr. Walsh said that it might not be their intention, but he has had conversations with members of HARB who have told him of resources. President Martin said those individuals are available to you and have that wealth of information whether or not they sit on the HARB. Mr. Walsh said that without HARB he would have to find people on his own.

Eric Fairchild, of 1225 McCormick Road

He thinks expanding the district to the east and including the Township's Park would be beneficial.

However, he has learned it is a complicated process to expand a district. Mr. Fairchild said that the zoning has changed drastically in the 20 years that he has lived on McCormick Road. He said 20 years ago it was a five-acre lot minimum and now he cannot figure out what density is allowed. So, there is a great concern about density. Commissioner Cochran said there may be confusion about zoning and property maintenance laws vs. HARB's responsibility.

Mr. Fairchild said he does not understand why the criteria from 50 years ago doesn't exist. We have had this historic district for 50 years, and the expert consultant gives an opinion that is very offensive to a lot of the residents who live on this road. He said that it is one of the crown jewels of the Township and of the County. In this case, it feels like our own Township is creating an issue where there really is not an issue. We are all trying to live in peace and harmony on McCormick Road and keep it beautiful, and the historic district has gone a long way in maintaining that.

Mr. Fairchild also said there is quality information out there that could be conveyed to counter the misinformation about what the HARB does. HARB deals mainly with the exterior of a home. The historic homes have plumbing and electricity in them. There has been talk amongst the commissioners about identifying and cataloging properties in the Township that are historic, but not within a historic district. He thinks it would be beneficial to know which properties they are. In terms of criteria, like this Navarro & Wright report, they have a cutoff date on the Yellow Breeches District. Anything built after a certain date is a modern intrusion. Since we are 50 years past when the district was established, we should move the criteria up and make the criteria include 100-year-old buildings, allowing a lot of structures on McCormick Road to be included in the district. Commissioner Cochran said that on Table 1 in the consultant's report (Modern Intrusions in the Yellow Breeches Historic District), the oldest home built there would be 830 McCormick Road which they list as c. 1910. He thinks they got those years off the county tax records, because he has gone down and looked at a couple of these and they do agree with the county tax records. The tax records may be incorrect. He thinks the vast majority of those homes on Table 1 are considered intrusions. He said that the fact that the people built them to blend in with the surrounding area is wonderful and he agrees that they tried to build to suit the environment, but that was their choice and their choices do not make the homes historic. HARB did not have dictate what they must do, because the homes did not go through the HARB review process. Mr. Fairchild thinks they did. Commissioner Cochran said they did not come through HARB, and they have not been reviewed by HARB since he has been on the board.

Commissioner Cochran said he likes the environment along McCormick Road but is at a loss for the sense that we must have a HARB district. He thought what we should be doing is maintaining old historic buildings, which do not have to be done through a district. He said some of the properties in the village of Bowmansdale date back to the revolutionary war and they are not in a district. These are some of the oldest properties in the township. Commissioner Anderson said there are also probably some older homes in Grantham. Commissioner Cochran agreed and said that we do not need a historic district to preserve historic properties.

President Martin asked Mr. Fairchild if it was his impression that all those homes built in the last 60 years went through HARB. Mr. Fairchild said no, but the district map (Yellow Breeches Historic District Map) shows a red line going through part of the properties. President Martin asked Ms. Boyer if all the homes on McCormick Road are identified in that district and if any newly built homes would go through HARB's review process. Ms. Boyer said with any district, any work on the exterior of a property in a district would go through HARB for review. That would include a new

home construction, additions, etc. However, with many new buildings and building additions, HARB would look at the project to ensure the work is complimentary to the district and not exact replicas. HARB would typically be less stringent on new home builds because they are meant to compliment the district, not replicate the historic homes within the district. Historic Districts are created for a reason. Whatever infill development occurs therein should be complimentary to that district. Commissioner Cochran asked if the homes in Allen Glen that are showing as being in the district were reviewed by HARB. Vice President Castranio said the building for 2800 McCormick Road would have been built two years ago and that was never on our agenda. Ms. Boyer said she did not know, so she would research the matter further and report back to the board. Mr. Fairchild said that he believes everybody took pains to build outside that red line and that set those homes much further back, making the area attractive and less intrusive. He does not feel a lot of the people object to the homes in Allen Glen because they made an effort to set them back. President Martin said they are beautiful homes, but they did not go through HARB.

Commissioner Anderson said we need to check into the maps and find out what standards were used for this district. Vice President Castranio summarized that the Township had no idea why this district existed, so we hired a consultant who said they have no idea why it exists. He is ready to move forward and get rid of the district, and maybe having structures identified on a historic list, as previously discussed.

Marsha Saiger, 1 Cona Road (York County)

The consultant's report has made certain assumptions which she says are false assumptions. If they looked at the history more closely, they would not have arbitrarily said the historical period ends at 1900, because the McCormick family was so important to this area. She said her home is the Henry McCormick's summer house, built in 1903. She said that if the consultant had read the "Happy Yellow Breeches" book by Paul Miller, come onto McCormick Road and crossed the bridge into York County, and learned the history of the McCormick's paving those roads, looked at the McCormick's chauffeur's house and the barns, they would have seen the McCormick's importance to this district. She supported the district being maintained.

Ms. Saiger also noted that she and her husband are aware of farmland preservation. She suggested we should consider preserving the entire infrastructure, rather than little farms here and there. You cannot preserve little individual places; you have to preserve the environment. She believes the Township has the crown jewel of the township and the county right here along McCormick Road. She uses McCormick Road and the beautiful homes to convince others to move to the area. The cost to an individual to comply with HARB's requirements, is not as exacting as what she is hearing. If continuing the designation of the historic district will allow us to maintain that beauty, cultural, environmental area of McCormick Road, she thinks this board would be serving its citizens.

Commissioner Anderson said we do have agriculture preservation in the township, and that many farms in the western area of the township are in the farmland preservation program with the county. Ms. Saiger said she knew that. Commissioner Anderson said you act like we did not do anything, and we have. Ms. Saiger said she was sorry she may have misunderstood, noting that farmland preservation works well when you preserve the entire culture that surrounds it.

President Martin said that any action that we take, is not with the intent to dissolve the historic nature of the area, and/or to alter it from what it is. There are other ways to preserve the area. He said that since residents made their own assessments of the Navarro & Wright study, I think it only fair to

have the consultant here so that they can also participate in the conversation.

President Martin asked what the board wanted to do. Ms. Boyer reiterated that we must consider the historic district map was created in 1975, and the district boundaries were hand drawn on the map with no reference to actual property lines. The ordinance describes how the boundary lines must be interpreted such as including boundaries following the center lines of streets shall be construed to follow such center lines, and boundaries located at approximately following plotted lines shall be construed as following such lot lines. The description of each district includes how far along a roadway the respective district went. Any property within this district boundary is to be part of the district. Commissioner Cochran asked if the line on the map should be moved to include the entire property line, if going by our ordinance. Ms. Boyer said yes. Commissioner Cochran clarified the boundary line would come along and include the certain properties north of McCormick Road, not just a portion of them. Ms. Boyer said that is correct. Once staff have direction on how to proceed with the districts, we can redraw the district map to match the property lot lines and include a list of the properties in the ordinance so there is no more confusion. President Martin clarified that if the district boundary line was redrawn, the red line on the map would follow the outbound property line boundary as opposed to going through the middle of the properties. Ms. Boyer said that is correct.

President Martin suggested tabling any action on the Yellow Breeches District until additional information could be provided, as Commissioner Cochran asked for more clarity on this district. Commissioner Walter asked for an amended map, showing the new line as they discussed. Commissioner Cochran said Mr. Nauman's property at 240 Gettysburg Pike is shown as three lots, questioning if all three lots should be historic.

Rebecca Walsh, of 443 McCormick Road

She said 240 McCormick Road was a farm and he owned a series of farmhouses where the tenant's lived. Commissioner Cochran said they are not there now. Ms. Walsh said that was correct. Commissioner Cochran said he is trying to understand why fallow land is historic at this point. Mrs. Walsh said she does not know. She said when the historic districts were created, it was pastoral. The McCormick family would come to their summer homes here when they lived in Harrisburg. The farm on Cona Road (York County) was a working farm. Commissioner Cochran said at one time the property was all one lot and a farm, so it would make sense; however, the properties appear to be divided so there may no longer be any history to it. He is not sure why two of the properties are shaded blue on the map, as they are just fields. Ms. Boyer said it is because we have not made any changes since we enacted this ordinance. If someone wanted to develop on the land, it would go through the HARB review process. Mrs. Walsh said that the property that is not in HARB, that is shaded is not a vacant property, there is a house on it, it is a tenant house. The tenant that lives there still works for Mr. Nauman and is part of that history. Mr. Fairchild believed the properties were all deeded as one. Ms. Boyer said she would look into it further.

President Martin said he understood the background, but we are taking a fresh look at what it is now and what we want it to be going forward. He understands the structures there along McCormick Road, but he has a hard time understanding why vacant fields would be incorporated into a historic district. Doing so feels like we are imposing on it. Ms. Boyer said that you could include them so that they were ever to be built on, it would require them to go through the HARB review process to make sure that any new construction does not detract from the historic district. You can have vacant lots within districts.

President Martin then asked if Mr. Nauman's entire property could be part of the district. Ms. Boyer said yes it could be. Commissioner Cochran said as you swing east along McCormick Road, you have some historic properties that front in the Ford Farm Development, correct? Ms. Boyer said correct. Commissioner Cochran asked if the district would include the entire property and not just a line through the middle of the property. Ms. Boyer said correct. Commissioner Cochran asked if when those people built, did HARB approve their homes. Ms. Boyer said she did not know and would research it further.

Trout Run and Rose Garden Conversation

Commissioner Cochran noted there are homes in Ashcombe South that are in the historic district. Joe Botchie said the development was reviewed by HARB when it was going through the review process. Commissioner Cochran said that he was also surprised that some of the properties he thought were really old along Lisburn Road were built in the 1980's. Ms. Boyer confirmed the information, noting the owner just loved log homes.

Commissioner Walter made a **MOTION** to abolish Trout Run and Rose Garden Historic District, **SECONDED** by Vice President Castranio. The motion carried unanimously.

President Martin told Ms. Boyer that the Board's recommendation to her was that we do not retain Rosegarden and Trout Run. We will come back and discuss Yellow Breeches after we have more information, and we may even want to again converse with the consultant and have her here. Ms. Boyer was asked to provide a new map of the Shepherdstown District based on the board's recommendation.

Jack Shambaugh, of 1236 McCormick Road

He said there are a couple of old houses in Trout Run. One house right at Stumpstown Road could be considered historical. There is a farmhouse that is in the *Early Architecture in Upper Allen Township* book. He also believes there is a cemetery and once a church that burned down years ago in the area. He said that some of the stuff from the past should be retained. President Martin believes no one on this Board is refuting what Mr. Shambaugh is saying about some of those structures or properties within the Trout Run District, and he thinks the Board needs to deal with those on a separate list. Commissioner Anderson said that there is one older house in Trout Run, the LaFond's house, she would consider, but we can come back to that.

PUBLIC IMPROVEMENTS COMMITTEE

There were no items for discussion.

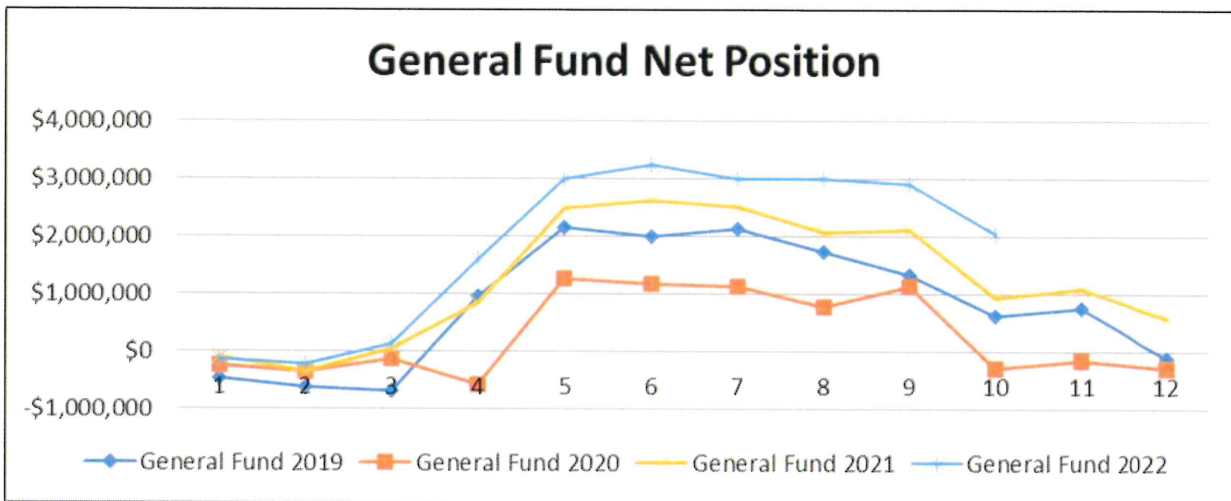
SANITARY SEWER SYSTEM

Joel Kostelac, engineer for the sanitary sewer system with GHD shared that we are getting rid of the belt filter press. We are close to finalizing design. It is two pronged, we have a COSTARS procurement, and we have a bid build procurement. Those are moving along. We expect to be out for bid with the bid build procurement in December pending Board authorization. COSTARS procurements continue and we expect equipment to be onsite in the summer and the bid build contract to be ongoing at that time. We want to be complete in the fall.

ADMINISTRATION COMMITTEE

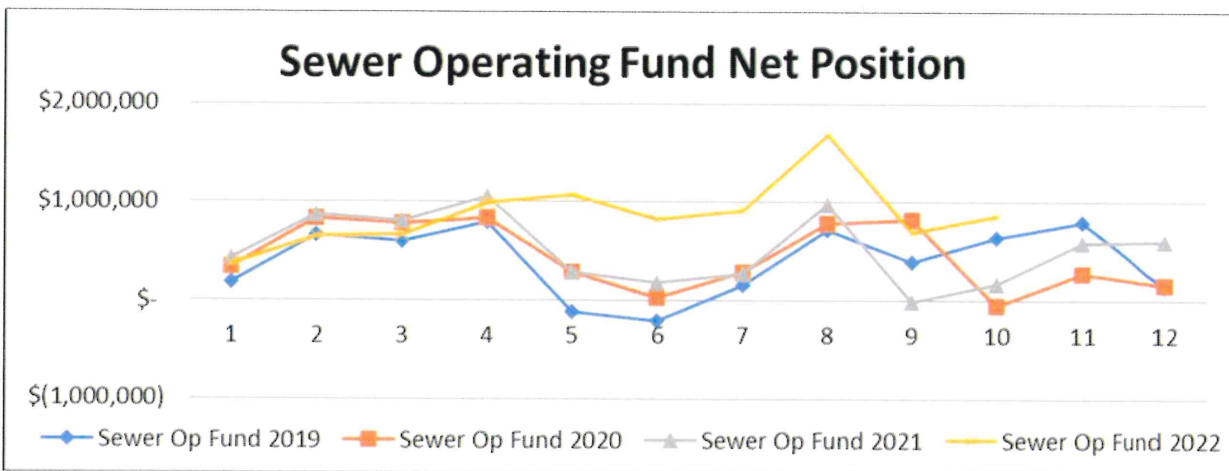
BUDGET UPDATE

The information presented in this report is based on historical numbers generated in 2019, 2020, 2021 and year to date 2022. In this report I will focus on the two main operating funds (General Fund and Sewer Operating).



At the end of October, General Fund General Fund Expenditures (all expenditures plus transfers) of \$1.39M exceeded General Fund Revenues of \$528K by \$861K. This decrease in net position matches prior years trends as large pension contribution payments were made in the month of October. 2022 is still exceeding net position for 3 out of the last 3 years. Revenues in October were mostly made up of Local Enabling Taxes (Real Estate Transfer Taxes, Earned Income Taxes, and Local Service Taxes) Building permits are still on the rise. Most expenses are personnel related or pension contribution related.

Overall revenue and expenditure positions in October 2022 are \$10,063,648 (an increase of 9.6% compared to 2022) and \$8,008,102 (a decrease of 2% compared to 2021) respectively. Most of the difference in revenue is attributed to our Local Enabling tax categories (Earned Income Tax and Real Estate Taxes) and building permit proceeds. Additionally, expenditures remain pretty much level when compared to previous years.



The Sewer Operating Fund net position increased in October, with total position continuing its net surplus in the amount of \$866K. The increase is mostly due to the collection of quarterly sewer rental fees. The Fund is expected to see continued increases in November as additional sewer rental fees are collected.

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

AUTHORIZATION TO ADVERTISE BUDGET ORDINANCES FOR ADOPTION AT THE DECEMBER 21, 2022 MEETING

Two budget ordinances need to be advertised prior to the Board of Commissioners adopting the 2023 Budget at the BOC meeting on December 21, 2022. In accordance with First Class Township Code, the Township must advertise the proposed budget and place a copy out for public display at least 20 days prior to adoption.

- The first ordinance Appropriates Specific Sum Estimates Required for the Specific Purposes of Municipal Government in 2023.
- The second ordinance Adopts the Budget for the 2022 Calendar Year, Authorizing Expenditures and Levying Taxes. The proposed 2023 Budget has no changes in current tax rates.

Recommendation:

It is recommended that the Board move to authorize the appropriate Township official to advertise both the budget ordinances and place a copy of the proposed 2023 Budget out for public display.

Commissioner Cochran said that a few years back when we had to do major renovations to our wastewater treatment plant and contribute to Lower Allen's wastewater treatment plant renovations, we floated a bond. At the time, members of the Board said we hope that in the future as the bond pays off, we can reduce the sewer fees and we are going to in two years early. It will expire in 2024, but because of the increase in the trash collection fees and because we have enough of a fund balance in sewer right now, we are going to reduce the sewer fees by \$12.50 a quarter or \$50 a year. It does not quite make up for all of the increase in trash, but it makes up for most of it. It does not

stop us from reducing it even further when the bond is actually gone, but right now, we just want to make sure that we provide some relief for the tax payers and we do not jeopardize ongoing operations with the sewer by taking the fund balance too low. Commissioner Cochran complimented the staff on a great budget season. They put together a really fine budget. We do not need to increase any taxes yet we continue to show improvements in the Township. He thanked Scott Fraser and Kelly Palmer for all the work they do in going out for grants and that has allowed us to do things in the Township that we could not do with just township money.

Recommendation:

Commissioner Cochran made a **MOTION** to authorize the appropriate Township official to advertise both the budget ordinances and place a copy of the proposed 2023 Budget out for public display, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

President Martin said that the budget will be on public display for a month.

REVIEW OF PROPOSED FEE SCHEDULE CHANGES

Board members were given a draft of the proposed fee schedule for review prior to taking action at the December 21, 2022 meeting.

Mr. Fraser said that there is some verbiage change in how we rent the rooms. There are new sport fees and we updated the cost for the delivering of leaf mulch to the actual cost to the Township. The mulch is free, but the employee and truck are not. Commissioner Cochran asked Chief Parson if there will be a cost if someone wants a copy of a video from a body cam and if so, should that be something to think about putting in the fees schedule in the future? Chief Parson said he would take a look at that and that there is a separate Right to Know statute related to body camera footage that is more restrictive. Solicitor Feinhour will check on that answer. Mr. Fraser said they are going to redo the study for the police per hour cost for outside labor. There will be an updated number for that in November.

PARK AND RECREATION COMMITTEE

Ms. Palmer said we are going to recommend canceling meeting on Tuesday.

Vice President Castranio said there was a ceremony at the dog park yesterday for John Berch and the dedication of a bench and tree in remembrance of him.

MISCELLANEOUS

Solicitor Update

There was no report.

Tax Collection Committee (TCC) Update

There was no report.

Capital Region COG Update

There was no report.

Municipal Advisory Board (MAB) Update

There was no report.

Pennsylvania State Association of Township Commissioners (PSATC) Update

There was no report.

Commissioner Castranio made a **MOTION** to adjourn the meeting at 9:32 pm, **SECONDED** by Commissioner Walter. The motion carried unanimously.

An executive session occurred for legal advice.

Upper Allen
Township

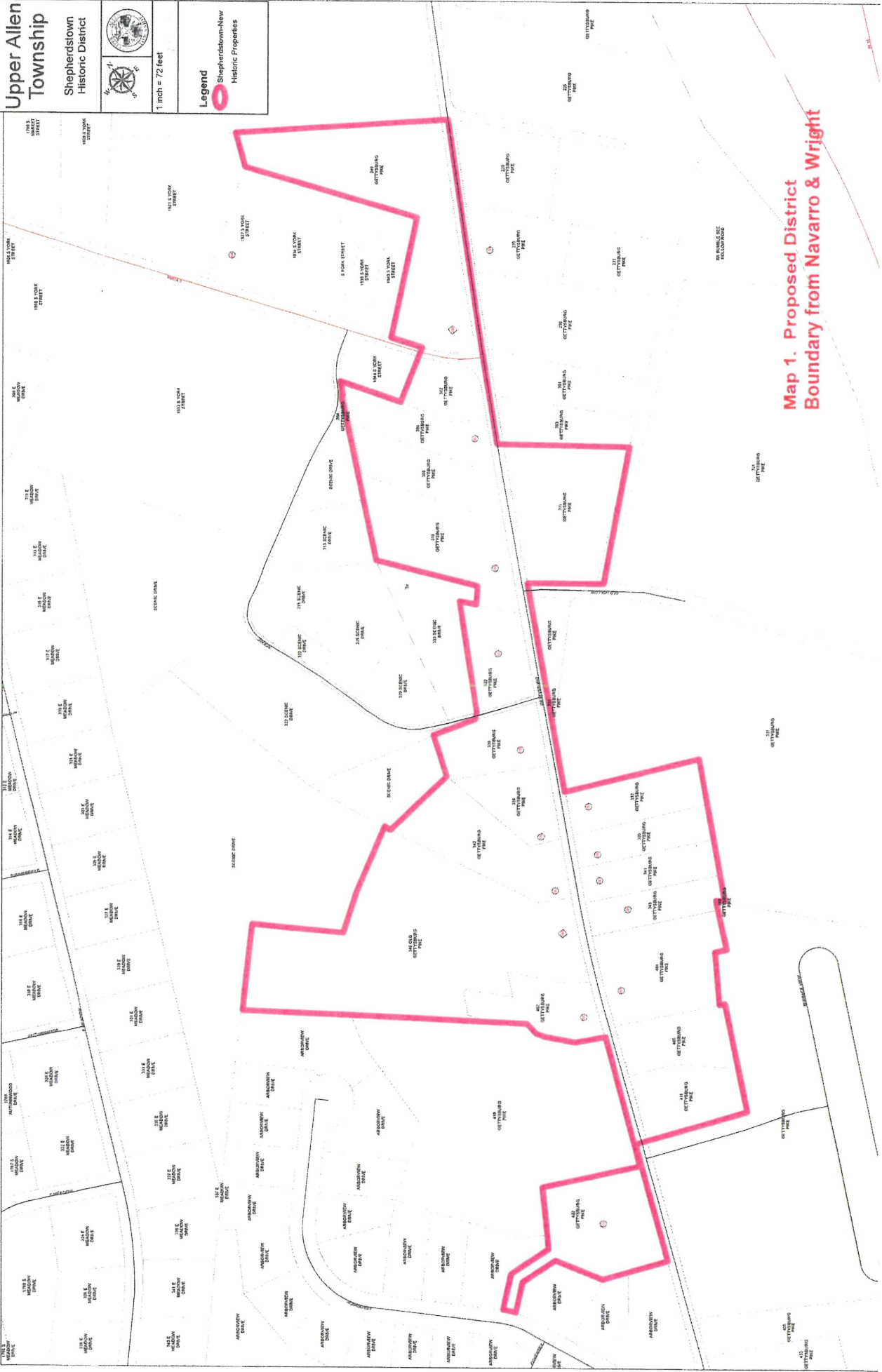
Shepherdstown
Historic District







1 inch = 72 feet

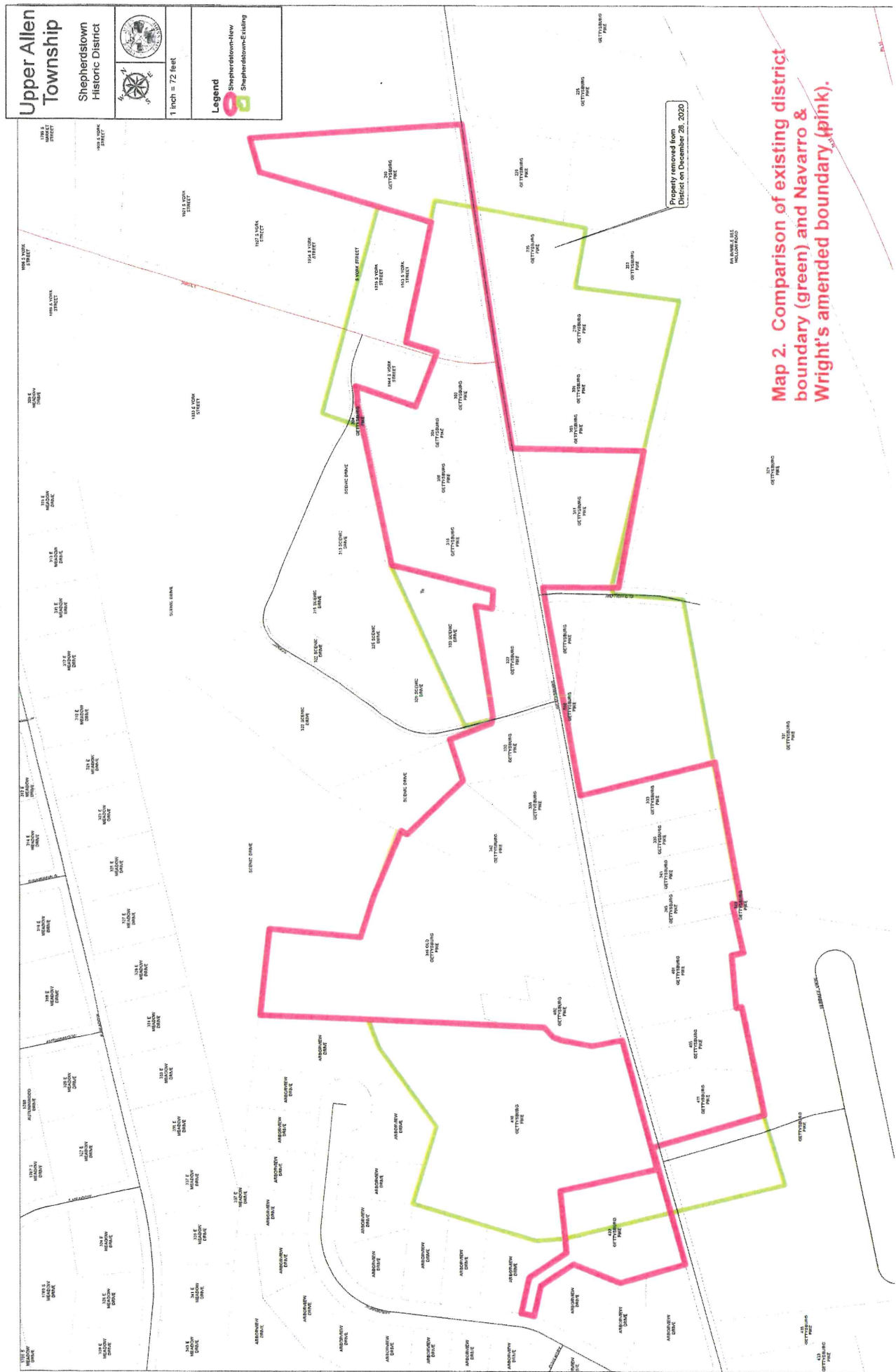
Legend

Shepherdstown-New
Historic Properties

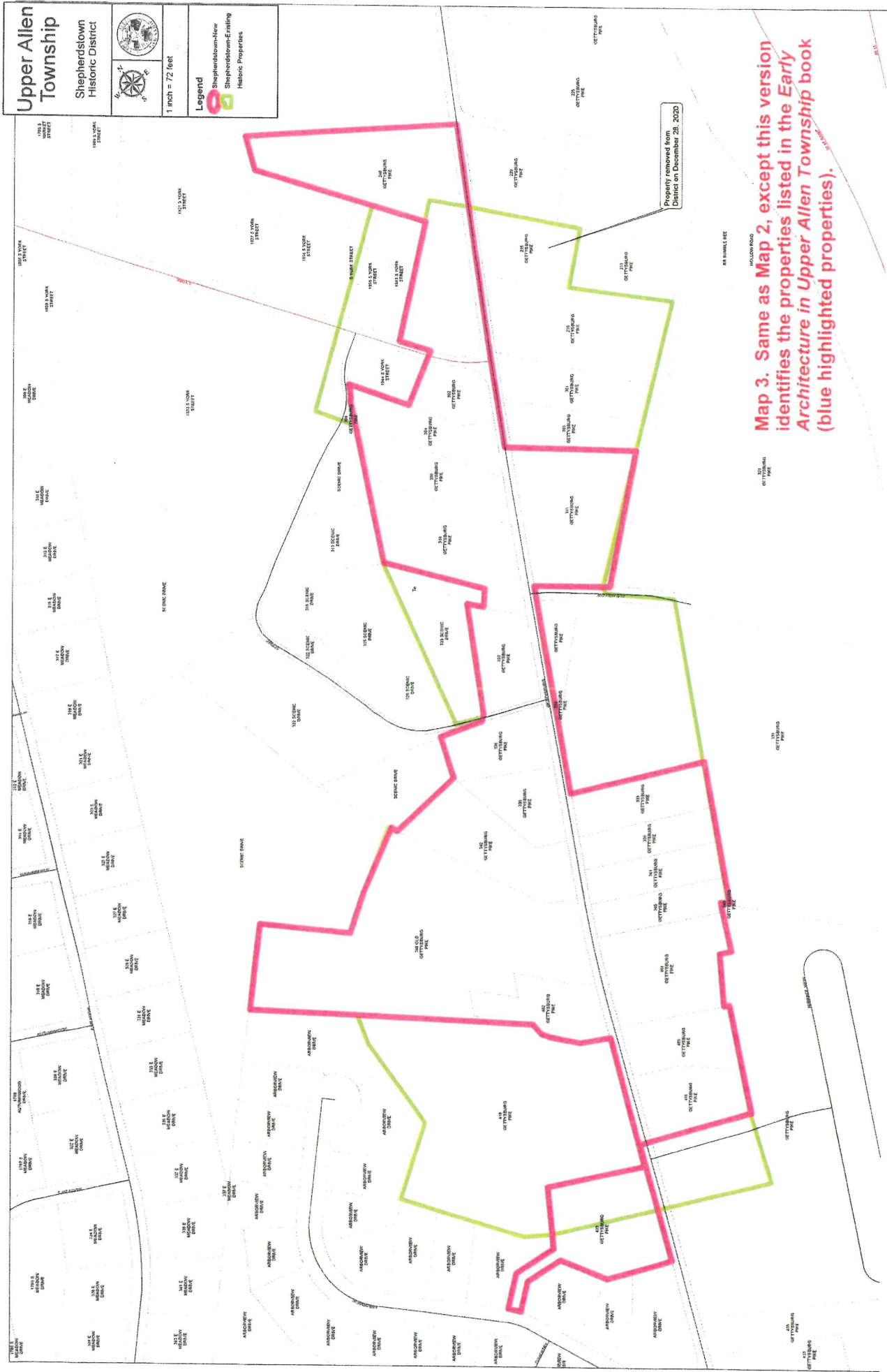


Map 1. Proposed District
Boundary from Navarro & Wright

<p>Upper Allen Township</p> <p>Shepherdstown Historic District</p>	 	<p>1 inch = 72 feet</p>	<p>Legend</p> <p> Shepherdstown-New</p> <p> Shepherdstown-Existing</p>
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Map 2. Comparison of existing district boundary (green) and Navarro & Wright's amended boundary (pink).



Map 3. Same as Map 2, except this version identifies the properties listed in the *Early Architecture in Upper Allen Township* book (blue highlighted properties).

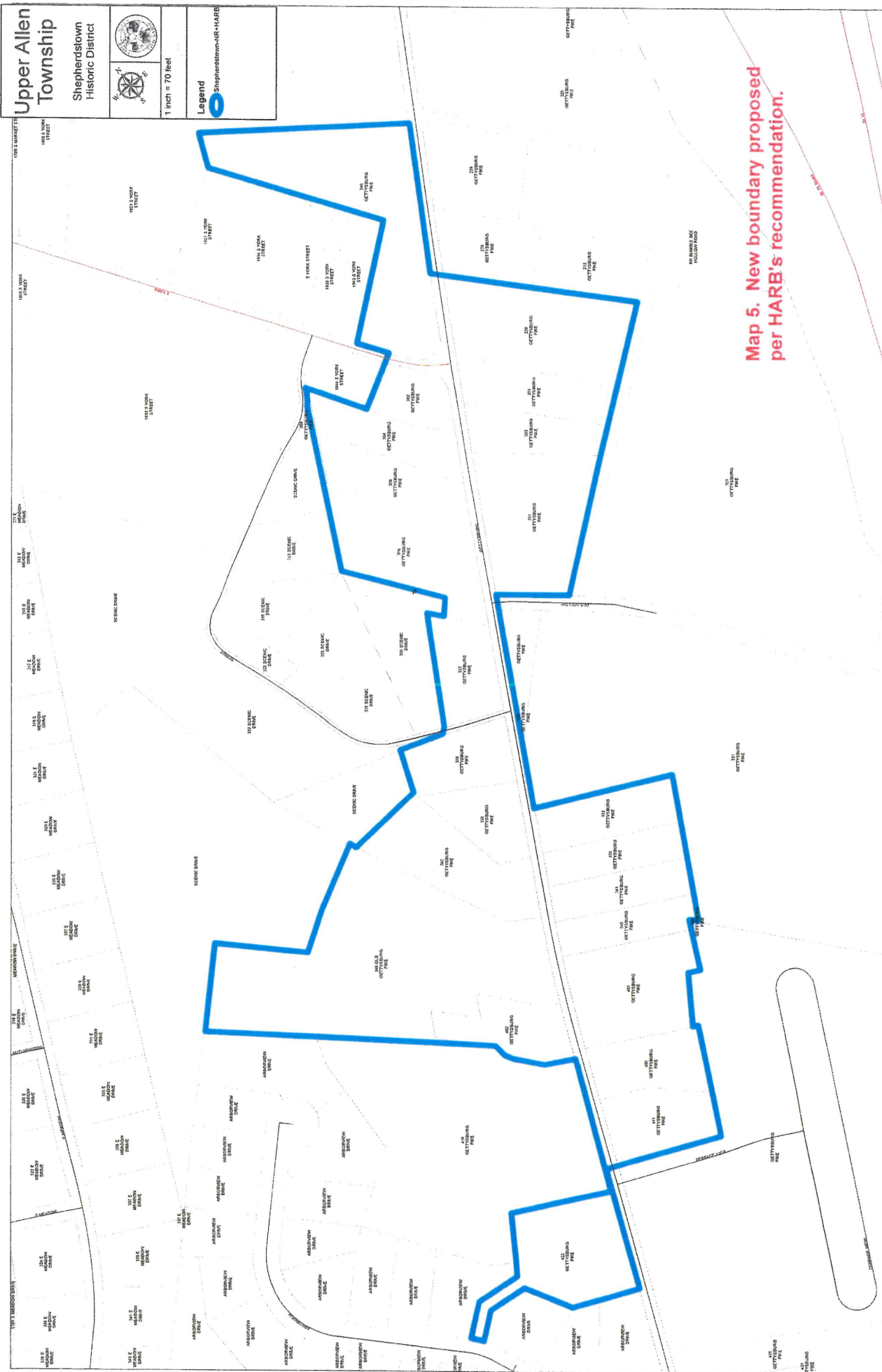
Map 4. Comparison between the boundaries, plus HARB's recommendation to add 239, 301, and 303 Gettysburg Pike (blue).

Shepherdstown
Historic District

1 inch = 70 feet

Legend

 Shepherdstown-NR+HARE



Map 5. New boundary proposed per HARB's recommendation.