

**MINUTES
UPPER ALLEN TOWNSHIP
BOARD OF COMMISSIONERS REGULAR MEETING 1 – 6:30 P.M.
November 2, 2022**

COMMISSIONERS

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

TOWNSHIP OFFICIALS

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

CALL TO ORDER

President Martin called the Board of Commissioners regular 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.

CONSIDERATION/APPROVAL OF MEETING MINUTES

Commissioner Cochran made a **MOTION** to approve the minutes of the October 5, 2022 Board of Commissioners Meeting, **SECONDED** by Commissioner Anderson. The motion passed unanimously.

PRESIDENT'S ANNOUNCEMENTS

President Martin shared that there was a 2023 budget meeting prior to this meeting. He shared that we have the opportunity to vote next week, and it is important to exercise that right. The Township just received a \$450,000 grant thanks to Kelly Palmer, Assistant Township Manager and others who put together the grant application. He gave special thanks to DiFilippo and Foschi for their support of our application. That money will be designated and used for the beginnings of Generations Park.

PRESIDENT'S RECOGNITION OF VISITORS

Michael Hitcho, 2473 Cocklin Court

Mr. Hitcho shared that he came to make a complaint about the loud music from Ashcombe Mansion. His home is about 100 yards directly north from the mansion. The noise and the music sometimes start at 6 pm and sometimes last for 20 to 30 minutes with a short break before 7 pm. He said it is loud and he can clearly hear the PA system while he is in his house with the tv on. He wears a hearing aid, but he can still hear the loudness. Then again, the music begins at approximately 7 pm and it continues until 10 pm. Mr. Hitcho said it is loud, it is constant, it is non-stop. The music is at such a volume that it sometimes feels like there is a basketball being pounded against his wall with the loud bass and that goes on for three hours. He has called 911 to report the disturbance and he has

done that several times. He has called at least 8-12 times. Out of all those times, he can only recall twice that the volume was lowered. He said his partner talked to the management or maybe to the owner of the Ashcombe Mansion and she stated that it was no different than the noise from the racetrack, but it is very different. He said where he lives, they do not always hear the racetrack. When we do hear it, the noise is such that you hear it for three or four minutes and then it is quiet for 20 minutes and then you might hear it again. Mr. Hitchco said that generally, his partner cannot hear it where she is at, he has difficulty hearing it the way it is so they do not really hear that. President Martin asked Mr. Hitchco if he could not hear the racetrack from Cocklin Court? Mr. Hitchco said that inside the house with his hearing aids on he cannot. If he goes outside, he can hear it. Mr. Hitchco said it is not just the volume, it is the shock wave pounding against the house, you can actually feel the windows vibrate. He has prints on the wall after a Saturday when it is, they shift, because he gets so much vibration from the volume of the music. Last weekend, they had a friend visit who had surgery on her ear, but on Friday, the music was like torture, but it ended early at 9:30. Usually, when he calls, he takes as much as he can and then he calls, but that is a mistake, he has to call earlier. If he calls 911, the duty officer dispatcher always responds. They call back and give him a complaint number. On two occasions they said it has already been called in. He assumed someone was responding. He asked if they keep a record of all the complaints or the call-ins, because that would be some feedback to go back to the Ashcombe management and say somebody called tonight, but if you have 10-15 people calling, that should give them some indication that it is too loud. President Martin said he would assume that 911 was recorded, but he asked Chief Parsons if the Township has records. Chief Parsons said we do, and they are recorded in our record management system. He does know that the officers responded this weekend. Mr. Hitchco said Friday was really bad and it got louder as the time went on, but then around 9:30, it stopped for a while, but started again and it was lower. On Saturday, he was ready to call at the beginning, but it was quieter, and he did not have the pounding, it was an acceptable level. He does not know what happened, so he knows that they know they can do the music at a certain level where it is good for all the residents in the area. President Martin said he assumes that when it happens is when they have events there. Mr. Hitchco said that was correct and it is usually on a Friday or Saturday. It impacts us because we have friends and family who do not want to come over because it is like torture. He said he served 30 years in the military, and he knows they use loud music to soften up detainees for interrogation and that is basically what he is in his own house.

President Martin said we would take it in to consideration and he recalls that is one of the things we discussed with the applicant when that came through this Board. He thinks one of the things they have talked to them about is that there is not really a good way to say what is too loud to one person is ok to another, so there are sound meters or someway to actually monitor the sound. The Township has talked as a board that that is something we need to get so that there is an objective measure so that if we agree on a threshold, when it is louder than that, we could tell them you have to dial down.

Chief Parsons said that the officer that went out said that the people at the mansion were very cooperative and they had a decibel meter, and they keep track of it every half hour and if it would get over a certain level, they would talk to the DJ and have it turned down. He said there is a Township ordinance, but it is not enforceable until after 10 pm. They were cooperative with the Police. Chief Parson said he talked to Jen Boyer about it, and she is aware. They are monitoring the noise level. Commissioner Cochran asked the Chief where are they standing when they monitor it? He said he hoped they were standing at the edge of the property closest to the neighborhood so if there is any

amplification that occurs naturally as sound travels, that they are getting a reading there. Our ordinance does not have a decibel level set that we can ask them to shut it down, it is objective noise. He has asked before, shouldn't we have some limit that someone understands that when we go over a number, you get shut down. He does not know what we can do until 10 p.m., because it is similar to when we have construction. He has a house going up across the street and they are there at 6:30 in the morning and they are banging and hammering and breaking rock and he has to put up with it. Now if they come in too early or they stay too late, he can complain. Mr. Hitcho said he is not sure it is just the decibel, but it is the shock from the soundwaves that are hitting the house and he is not sure how that fits in with the decibel. Commissioner Cochran said it is probably the thumping bass. Commissioner Cochran said we could get a sound engineer or sound consultant to help give us some direction in this.

President Martin said we hear the concern, and he thinks as a Board we are trying to put together a strategy by which we can be fair to people making noise and those hearing the noise and get some kind of objective criteria. If an area is posted for 35 MPH driving, and you go over it, well then there is an objective criterion. You were going 43 miles an hour. We do not have an ordinance that matches the measurement yet of that and that is what we are trying to look towards. Mr. Hitcho suggested that they have some sort of acoustic barrier between them and Cocklin Court. Vice President Castranio said that is the issue, there is a berm there with evergreens, but they are 4 ft scraggly. If we can get them to enhance that screening barrier, he thinks it would make a difference. Mr. Hitcho said that is further west of where he is. Where he is, there is an old outbuilding. Vice President Castranio said they need to extend it down past you. He thinks Ashcombe's was going to leave the trees in there, but they are deciduous, and they do not work all year round. He said when they have that tent, if it is a hot day, they will open all flaps. If it is a cold day, they open one flap. He got out their conditional use and read all of the requirements. They do stop at 10. The other thing that everyone always argues is the decibel, we measured it at the property line, and it is comparable to someone talking, but if he is watching tv and someone is talking to me like this, it is a nuisance. Even a talking nuisance in my living room is too high. We do need to do stuff here at the Township. Mr. Hitcho said everyone who lives on that street would appreciate it.

Bernadette Stack, 2473 Cocklin Court

Ms. Stack said she called Ms. Welsh six weeks ago and she logged it. She invited her to come out and Ms. Welsh said she measured it, and it is within the decibel. Within the decibel does not mean anything even when you have laws or ordinances. The action does not necessarily mean you are being a good neighbor. Ms. Stack said it has destroyed our ability to go out and enjoy our back yard from the springtime through November on Fridays and Saturdays you cannot go outside and sit and enjoy an evening. She asked what would happen when the tavern, lodges and a pool go in. She said that Ashcombe Mansion needs to be more genuine about it because it has taken away their ability to enjoy their own backyards.

President Martin said he hears the concern.

Jo Bitzer, 607 Kenswick Court

Ms. Bitzer shared that the Township sent out a newsletter that was full of voter misinformation and that the only remedy so far has been to correct it on the website. She asked the Board, why would residents who received the newsletter full of inaccurate information, go to the Township website

seeking the corrected information if they have no idea the information is inaccurate. President Martin said that in addition to the website, the corrected information was also put on Facebook. Ms. Bitzer said a lot of people do not go on Facebook. President Martin said that he did not say that people go on Facebook. He does not know how many, he was just adding to her statement that it was only corrected on the webpage, and he wanted the record to show it was also correct on Facebook. We regret that the misinformation was out, and it was not intentional, and we did take steps to attempt to correct it. One of the residents, and perhaps it was you, suggested we put out a mass communication call amongst the Township. That was considered. We have tended to use that form of communication very sparingly for what we consider to be emergencies like weather and/or safety emergencies. That may not be the approach you prefer, but that is the rationale that we have taken at this time. We have gotten very few comments or questions about that. Ms. Bitzer said they do not know the information is inaccurate so why would you get questions. President Martin said he is just relaying the information that the newsletter went out, it is corrected on the website and there is other information out there and so, we feel that we have taken steps to correct that, acknowledge what was wrong and take steps to correct it.

Ms. Bitzer said there are 14,500 voters in this Township and because of the inaccurate information, 4,000 of those voters may feel that they cannot vote because what was written in that newsletter said that if you have not voted at least once in the last two years, you cannot vote and the other thing that those voters think is that if they want to vote, they have to re-register and they have to do it in person - all of those things are inaccurate. She thinks disenfranchising 4,000 people is a big deal and that is why she is here. She said you are willing to help a gentleman and his wife who have a noise problem, but you do not want to help 4,000 voters. She said she does not understand why you do not want to let people know the information was inaccurate and all she was asking is you put out a simple robo call that simply says the information was inaccurate, please call the Cumberland County Bureau of Elections office to check on your voter status.

Commissioner Cochran said we are going to have 14,000 people call the county office because you fear that 4,000 may be disenfranchised – you do not know how many would be disenfranchised nor do we. Those 4,000 people that did not vote in the last two elections, how many did not vote in the last 3? The last 4? Ms. Bitzer said, so let's just give up on people? Commissioner Cochran said you have thrown these numbers out as if they are fact. Ms. Bitzer said she did not look up that information, but she can. Commissioner Cochran said some of these people may be on the register and have not voted in years and asked what makes you think that they would come for this election which is an off year election - there is no governor, there is no president. He understands we made a mistake, we put a phone number in that went to the main number. If they called that for information, they still get to voter registration. If they think that they have to reregister again and they have a phone number, wouldn't they call to ask? Ms. Bitzer said, you said they had to register in person and you do not have to register in person. Commissioner Cochran said what if they called and asked, they can find out all the information. Ms. Bitzer said no, no, we should make it as easy as possible for people to vote and what you are doing is making it harder and she has a huge problem with that.

She would also like this body to know that Mr. Martin sent the following response to Mr. Fraser after she sent three emails. He said – Scott, a very professional response to a persistent questioner who appears to not be genuinely interested in your repeated responses. Ms. Bitzer said Mr. Martin, I

have lived in this Township since 1994. Your response to Scott is exactly the reason people do not get involved in local government. Look at this room. Ms. Bitzer said there are no people here and it is because you try to make people feel small when they ask questions and are concerned citizens and she refuses to let you make her feel small and she would like an apology for those comments, she said she was sure Mr. Martin did not mean to copy her on that response, but he did. You hit reply all. President Martin said thank you very much. Ms. Bitzer said no, she would like an apology. President Martin said if she was upset, he apologized, but he still stands by his statement that he thinks Mr. Fraser's response to her was very professional. She said she did too. President Martin said her persistent, what some may consider badgering, he did not know if she meant it that way, but when Mr. Fraser responds and then she comes back with the exact same argument over and over, he thinks that is a bit... Ms. Bitzer said it was not the exact same argument over and over and we did make some progress. There are some things that were corrected that she thinks were very good.

She said she is also very concerned about the bad press that Upper Allen Township is getting with the article in PennLive. She asked if he does not care. People will know that you did not correct the information. Is that the kind of Township you want? Commissioner Cochran said if you were concerned, why did you contact PennLive? Ms. Bitzer said she did not contact PennLive, she said it was not her. Ms. Bitzer said you can believe what you want. She said she did not contact PennLive, she has contacted some other people. She has contacted the Department of State because she thinks this is a very serious matter. Commissioner Cochran said they have not contacted us. Ms. Bitzer said well good on you. Commissioner Cochran said you are entitled to your own opinion, but we think we have made reasonable steps to correct the issue. Ms. Bitzer said that people do not know the information is inaccurate. President Martins said that Ms. Bitzer has made her point.

He said he is not sure the audience in this room is reflective of what Ms. Bitzer criticized as people are not interested or we do not care about people. He said that in the last six months, we have had this room full at times of 50 people who were interested and gotten involved and expressed themselves about various community issues and developments. We have Mr. Fairchild with us who is a regular and he follows the development of Generations Park and certainly communicates his input when he thinks we can be doing things differently or do additional things. Ms. Smith is here, and he applauds her as she has been on the sewer advisory board, she is a concerned citizen. He said he does not agree that people do not get involved and that they do not care about Upper Allen Township. He said he thinks people who are really concerned about issues do get involved and care. He said that if she thinks he has treated her rudely, he apologizes for that, but he does not think she has always been perhaps totally gracious in her communications with Mr. Fraser. Mr. Bitzer apologized to Mr. Fraser saying that if he feels that she was badgering him, that was not her intent.

She said she does not show up at these meetings on Wednesdays because she keeps her granddaughter overnight and she has asked if there would be some way that these meetings could be recorded so people could watch them at another time. She said that every time she has asked, she hears, oh yes, we have considered that, we are working on it. But nothing has happened. President Martin said he was not aware that she requested it. She said she did several times. She said she knows that other townships have ways that they record meetings. President Martin said that with the pandemic, we have considered that, and it is something under advisement and we would need to make renovations to the room with equipment, but again, probably things do not happen as quickly as you might like on certain issues, but he has been familiar with this Board for years and this is a

conscientious and involved Board. Ms. Bitzer said she does not question that, and you all do a wonderful job in our Township. President Martin said this Board is very involved, engaged and he would challenge anyone to put this Board against any other first-class Township in Cumberland County and see where they are more concerned than we have been with our residents.

PUBLIC SAFETY COMMITTEE

POLICE DEPARTMENT

CONSIDERATION OF AUTHORIZING THE POLICE DEPARTMENT TO SCHEDULE 10-HOUR SHIFTS

Commissioner Walter made a **MOTION** to authorize the police department to schedule 10-hour shifts, **SECONDED** by Commissioner Anderson.

Commissioner Cochran said that he was going to vote against it. He is not against 10-hour shifts, he is against creating 10-hour shifts which create overlap, give us extra police officers to put out on the street and putting that overlap at times when our call volume is not the highest and we are doing that simply to once again, appease the association and make sure all the officers are happy with the hours and not necessarily returning what we should be returning to the public. President Martin said that from his perspective this was the shift hours that were presented by our professionals, the Chief and the Lieutenant. He thinks they are well qualified individuals and they have taken in our input and have come back with a recommendation and the issue at hand is the alternate shift change would have been at 8 am, it is currently at 6 am. He thinks there is support from officers as well as from management that the 6 am shift is better in terms of change-over for people that might have dual income families, getting kids on school buses, etc. He said Commissioner Cochran is correct that it is the preferred time of officers, but he thinks that if we can keep our employees happy and give them something that is advantageous to family life we should. Commissioner Cochran said he does not disagree, but he would again say it does not cover the highest hours of incident when we need police services. We are placing them on hours when we have lower need for police services. Vice President Castranio said he is going to vote yes for this, but he is very disappointed that when a member of this Board suggested a better way to cover when we have more calls, it was shot down with what he does not think was adequate responses, but he is going to support it because he thinks it is a move in the right direction. President Martin said he appreciated the input and to recall that we already have an agreement from management that after three months, we will review it. Commissioner Walter said it was a six-month trial, with a three-month reporting, he confirmed that with Chief Parsons. Commissioner Anderson said she is supporting the idea considering what Vice President Castranio said, however she knows we have a time frame to take a good look and she thinks it is important that the Chief keep us informed of how the schedule itself is going.

The motion passed 4-1. Commissioner Cochran voted no.

Chief Parson shared that the patrol vehicle in the 2022 budget is about to be put out onto the road. Halloween went well, we were able to engage with the community. Officers are getting into the schools.

FIRE DEPARTMENT

Chief Shumberger said they are still answering calls with nothing to report.

PLANNING AND ZONING COMMITTEE

APPLICATION FOR 311 GETTYSBURG PIKE

Mr. Fraser said that HARB (Historic Architecture Review Board) will be seeing a certificate of appropriateness application for the demolition of the property at 311 Gettysburg Pike. This application will be discussed at the HARB meeting on November 15th at 7pm. HARB will make a recommendation and then this application will be in front of the Board of Commissioners in December. Reminder that there is a hearing on November 16th at 6:30 for intermunicipal transfer of liquor license at the Ashcombe Mansion. The notice of change was advertised and on the website under the Development Project page. Mr. Fraser said there is no Zoning Hearing Board or Planning Commission this month. The discussion of the Historic Districts will occur at the November 16th meeting of the Board of Commissioners. Commissioner Anderson said that under planning and zoning, there is information in your packets about the house requesting to be torn down.

President Martin said there was some discussion that if this property is dismantled, a new residence should be built with historic features incorporated in that. He thinks that is something he would be in favor of passing along. Commissioner Cochran said he would like an opinion from Mr. Feinour on that since this is within the historical district. Mr. Fraser said he will discuss with the solicitor, Mr. Feinour, and then if nothing else, we may need to strengthen our HARB requirements, and we can do that if we reevaluate our HARB districts. Commissioner Cochran said that of the districts the Township has looked at, that is the one that makes the most sense with the most historical properties and the boundaries are close to being what they should be, and this is well within the center of that. He asked if we could require that any new construction go along with the look and feel of historic architecture. Commissioner Anderson said she will be at the HARB meeting along with Commissioner Cochran and they will report back to the Board. President Martin said he would be in favor if in fact, that condition or suggestion is legitimate. It would be the suggestion of the Board if that is possible.

The public hearing is November 16, at 6:30 p.m. The Board of Commissioners meeting will follow.

PUBLIC IMPROVEMENTS COMMITTEE

UPDATE ON SUMMER PAVING PROJECTS

Mr. Fraser said that Generations Park will have bituminous pavement binder and wearing course installed tomorrow and on the 4th. On November 7, 8 & 9, topsoil backup will go along the pavement edges. Seed and mulch, the wearing course within the PennDOT right of way, they have missed the date for that so it will not be completed until the Spring. There will be some signage in the area. Fisher Park and the dog park walking trails will completed in the middle of the month. North Meadow stormwater pipe will be installed on November 8th-14th. Sanitary sewer manhole adjustments will be done on E. Winding Hill Road, on 15th,16th. President Martin asked if the

paving on Hertzler is complete. Mr. Fraser said he did not know. Commissioner Cochran asked if all the projects he mentioned were done by the same contractor and Mr. Fraser said yes. Mr. Fraser said the total contract with Shiloh paving was 2.8 million dollars, the largest paving contract in his memory. Commissioner Cochran said that the contractor disappeared for a period of time in the middle, and we should share with them disappointment that we have things that are not going to get finished this year because they abandoned the project to do something else and then came back later. Mr. Fraser agreed but added that they did well with the residents. Commissioner Cochran said they left some of the residents with terrible streets for weeks and we need to express that to their management that that is disappointing.

SANITARY SEWER SYSTEM

Mr. Fraser said that next month, Joel Kostelac, our sanitary Engineer, will be here to give an update on all of the sewer projects.

ADMINISTRATION COMMITTEE

Review of Volunteer Board Terms that will expire December 31, 2022. President Martin said that if anyone knows of people, encourage them to get their interest sheets in. Some positions do not have an interested party.

PARK AND RECREATION COMMITTEE

2023 FIELD PERMITTING

Staff is recommending updating the Township's Athletic Field Permitting policy and associated fees for 2023. A policy was introduced to the Park and Rec Committee and Township associated Sports Organizations at the September 22nd Park and Rec Board Meeting.

On October 13th, staff met with sports organizations' designated representatives to gain their feedback on the proposed policy update. Baseball, softball, soccer, and lacrosse were invited. Groups who did not attend this meeting were given the opportunity to provide staff their feedback/proposed changes in writing.

On October 26th the updated policy incorporating feedback from the sports organizations was presented to the Park and Rec Board. The Park and Rec Board made a unanimous recommendation to favorably move the policy forward to the Board of Commissioners for final action/approval.

Highlights of the policy include:

1. Stronger policy language on large events and tournament rentals
2. A policy and proposed fees related to food vendors at large events
3. Staff is recommending implementing a 1 time, per field, per season fee. We would allow any maintenance materials or capital improvements to the fields by sports organizations to be used as credit towards this annual fee.
4. Updated fees based on a comparison to surrounding townships

5. Concrete insurance guidelines.

President Martin asked what if another association came along, how do we know what a resident youth organization is. Ms. Palmer said we classify them as organizations of 100 participants or less consisting of over 50% residents are eligible for the resident youth organization. Commissioner Cochran asked if we could add the age of 21 and under. Ms. Palmer will reach out to the sports groups and get their input. President Martin asked what if a for-profit group comes in to sell food. Ms. Palmer said she would like to give that more thought. Commissioner Cochran said if we wanted to do a food truck in the parks, they would be for profit, we have had sports do that and there may be some cases where we want to do that. Ms. Palmer said there is some delineation, and we can clarify that. President Martin said we ask food organizations to have proper licensing and department of agriculture qualifications, but what about the group when families bring in covered dishes. Ms. Palmer said they are not businesses or fundraisers. Vice President Castranio and President Martin gave Township staff kudos for their collaboration.

Vice President Castranio made a **MOTION** to accept the 2023 Athletic Field and Vendor permit application and policies subject to staff changes per comments from this meeting, **SECONDED** by Commissioner Cochran. The motion passed unanimously.

President Martin said that in past meetings we have talked about the relocation or the future of the house at 1215 McCormick Road. He said they are working on it but does not know the timeline of when they will have the information out.

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.

PUBLIC COMMENT

Karen Overly-Smith, 855 Oak Oval

She shared that Messiah Lifeways had a covid outbreak, so they had a lockdown for activities on campus until November 3. She said the Township contributed to the Mechanicsburg Parade and that was really nice. She thought there were even more people there than last year. Commissioner Cochran said the Township and the individual Commissioners also supported it. She said that at the Winding Hill Park pickleball court, the sun can be in players eyes. She suggested considering that when constructing them at Generations Park.

Bernadette Stacks, 2473 Cocklin Court

She suggested sending something in writing to Shiloh about abandoning the project for a while. Commissioner Cochran said they did very good work and they were very friendly to the neighbors, but unfortunately, they left the neighbors sitting for a very long time with a road that was torn up and had elevated sewer manhole covers. He said that went on for three or four weeks, but he would have expected a little more attention to our project.

President Martin said they will have executive session to talk to the solicitor to get advice and talk about a contract issue.

The meeting ended at 7:29 p.m.