

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

PRESIDENT'S ANNOUNCEMENTS

President Martins said the Commissioners received two letters. One from James Kern and one from Robert Weldon, commenting on information they received on the Township's consideration to make McCormick Road one-way. They both objected because they are active bicyclists and they felt it would necessitate them riding on Lisburn Road.

CONSIDERATION/APPROVAL OF MEETING MINUTES

Commissioner Cochran made a **MOTION** to approve the minutes of the January 4, 2023, Board of Commissioners Meeting, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

CONSENT AGENDA

There were no items for discussion.

PUBLIC SAFETY COMMITTEE

Approval to Purchase Two (2) 2023 Police Interceptor Utility AWD Base Vehicles

The Police Department is seeking approval to purchase two (2) Ford Police Interceptor Model patrol vehicles, to replace two existing vehicles in the marked patrol unit fleet. The vehicles to be replaced are Car 2311 and Car 2312. The funds to purchase these vehicles have been budgeted for in the 2023 Police Department budget.

Whitmoyer Ford, Inc, will be the business used to order the two vehicles. Whitmoyer ford, Inc.

is a Costars participating business so the purchase will be discounted by \$16,910.00 for a total of \$86,000.00 not including the cost for new vehicle prep, initial PA inspection, title, and municipal registration.

Commissioner Walter made a **MOTION** to give authorization to the Police Department to order these vehicles in February of 2023 for a cost not to exceed \$86,000, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Approval of Outside Employment

Officer Amanda Knaub has requested to have permission to work outside employment with the Central Penn College Women's Soccer Team. Chief Parsons said that he has no objection to her request and respectfully asked that Officer Knaub be approved for this outside improvement.

Commissioner Walter made a **MOTION** that Officer Amanda Knaub be granted permission to work outside employment with the Central Penn College Women's Soccer Team, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Chief Parsons shared that they updated crash data on their website from 2021 to 2022. There was a 13% increase in overall crashes from 2021. Route 15 and S. Market remain the two roads with the most crashes. Most occurred between Thursday and Friday between the hours of noon and 6 p.m. The overwhelming cause of the crashes are due to driver error.

Commissioner Cochran asked if Chief Parson could provide a chart with a thumbnail of activities comparing the past several years. Chief Parson said he would.

FIRE DEPARTMENT UPDATE

The Fire Department was able to update their airbag system and they purchased a mini cutter to compliment our vehicle extrication tools. Chief Shumberger publicly thanked the Township staff and especially Kelly Parmer, Assistant Township Manger, for getting us the grant from the state to be able to do that.

The Awards Banquet for the 2022 season is Saturday night.

President Martin said there was a SAFER meeting earlier this week and things are going well. Several volunteers in the 21 participating agencies are now getting turnout gear or getting reimbursed for turnout gear. If we have anybody that completes their physical and gets a fit for duty certificate, we do get reimbursement for that turnout gear. In terms of school for tuition reimbursement, that program is up for that, you need to be a Firefighter 2. For life insurance, it started out at \$8,000, now a \$25,000 life insurance policy is available through the grant, assuming that you have Fire Fighter 2 Certification. This year, in the first quarter, they are also going to be giving out stipends for members who have Fire Fighter 1 and respond to at least 12% of the calls.

President Martin said there is a zoom meeting tomorrow night at 6:30 p.m. if anyone would be interested. Chief Shumberger said that the people from the SAFER grant who are doing publicity, are doing a story on four of our female fire fighters.

PLANNING AND ZONING COMMITTEE

Consideration to Fill Vacancy on the Planning Commission

Barry Natwick was reappointed to the Planning Commission in December 2022 for another four-year term. However, due to personal reasons, he is unable to continue. He was willing to stay on the Board for a few months until we could find a suitable replacement.

Mr. Eric Clancy has applied to serve on the commission. Mr. Clancy serves as the Executive VP and a shareholder of Delta Development Group, Inc. This consulting firm has experience in community planning, funding strategies, disaster preparedness, transit services, government relations, and historic resources. Mr. Clancy's business development and financial background will be a great addition to the commission.

Mr. Clancy lives in Lindenwood. We have not had another planning commission member from this neighborhood, so his residence location should help him bring a different and unique perspective to this commission.

Commissioner Anderson made a **MOTION** to appoint Eric Clancy to the Planning Commission to fulfill a remaining term to expire on December 31, 2026, **SECONDED** by Commissioner Walter. The motion carried unanimously.

Consideration/Adoption of an Ordinance Amending the Illegal Discharge Ordinance, Ordinance #721

A public hearing was held on February 1st, 2023, to receive testimony regarding the request for the Board of Commissioners to consider enacting an ordinance to amend Upper Allen Townships Illegal Discharge Ordinance, Ordinance #721. It was also held to meet requirements stated within the Townships general MS4 permit with the PA Department of Environmental Protection (DEP), where we must solicit public input on all Stormwater Management Ordinance prior to adoption.

This hearing was properly advertised in The Sentinel on January 17th and January 24th, 2023, and copies of this ordinance were provided for anyone who requested to review. Any discussions / questions brought up during this public hearing were considered prior to presenting the ordinance to the board.

Commissioner Cochran made a **MOTION** to adopt Ordinance # 821 to amend Ordinance #721 of Upper Allen Township., Section 1, Definitions; Section 5, Prohibition of Illegal Discharges; Section 14, Appeal of Notice of Violation; and Section 20, Criminal Prosecution. This ordinance shall take effect immediately, **SECONDED** by Commissioner Walter. The motion carried unanimously.

Consideration/Adoption of an Ordinance Repealing and Replacing Chapter 214, Stormwater Management Ordinance

A public hearing was held on February 1st, 2023, to receive testimony regarding the request for the Board of Commissioners to consider enacting an ordinance to repeal and replace Chapter 214 of the code of Upper Allen Township, known as the Stormwater Management Ordinance. It was also

held to meet requirements stated within the Townships general MS4 permit with the PA Department of Environmental Protection (DEP), where we must solicit public input on all Stormwater Management Ordinance prior to adoption.

This hearing was properly advertised in The Sentinel on January 17th and January 24th, 2023, and copies of this ordinance were provided for anyone who requested to review. Any discussions / questions brought up during this public hearing were considered prior to presenting the ordinance to the board.

Commissioner Anderson made a **MOTION** to adopt Ordinance # 822 to repeal and replace the Code of Upper Allen Township Chapter 214, Stormwater Management Ordinance, in its entirety. This ordinance shall take effect immediately, **SECONDED** by Commissioner Cochran. The motion carried unanimously.

Eric Fairchild, of 1224 McCormick Road

He stated that he noticed that when the car wash proposal went through, that there was a 214-38 prohibited discharges #6, residential car washing is only permitted if a cleaning agent is not utilized. He believes this should be amended to have a bio-degradable cleaning agent. Vice President Castranio said it was a model ordinance from the government. Mr. Fairchild said that a lay person may read it to say you can wash a car as long as you do not use soap. Commissioner Cochran said you can wash your car in your driveway with soap provided that the water runs off into your yard. Mr. Fairchild said maybe it could be clarified that way. President Martin said that the residential portion is different from the commercial, and that it is something that they would have to come back and do at another time. President Martin said that Mr. Fairchild's comment is well taken and when it is referenced in newsletters or in conversation that it is clarified and should we be interested in making a change to the ordinance, we would have to come back through, have a hearing and propose that language.

Ms. Boyer shared that there will be a Zoning Hearing Board hearing on February 9, 2023. There will be a case for 2711 E. Rose Garden Boulevard. The homeowner is asking for a variance to build a front porch on the front of their home, and it would go into the required set back by 9 ft. The front set back is 25 ft.

President Martin said this Board and the Zoning Hearing Board just recently denied a request to have a deck in a setback in an area that is not visible. Commissioner Walter said there are a lot of properties in the same situation, and he stated he has reservations.

Ms. Boyer said there is a Planning Commission meeting on the 27th of February.

President Martin confirmed with Ms. Boyer that at 2520, the request for the deck was denied. He asked about 1876 Waltona Court where they asked to put an accessory apartment in. Ms. Boyer said it was determined that it was under a PRD and the developer was building out to the maximum number of units, it was creating another unit above and beyond what was approved for the development. The Zoning Hearing Board continued the case and told the applicant they needed to either work with the developer or come back with another plan that says they are going to do something other than an accessory apartment. The applicant worked with Mr. Welt to redesign the basement to create a living room, there will be no kitchen. The initial request was removed and withdrawn.

Commissioner Cochran shared that he was at the Planning Commission meeting this week. He was disappointed with the attitude Legacy Park displayed. They needed the Township's approval to do their development portion and they presented one plan to us. During the meeting last night, we learned that after we approved that plan, they went back and changed things and never came back to us. Now they are proceeding along those lines, with a plan that we never approved and it affects us. He does not think that is playing fair. They moved a stormwater management facility and turned it into three more houses. They renumbered their phases. They were not supposed to allow any commercial phases to open until the traffic light was in, and so they just went back and renumbered it which allowed them to open that phase and not open another residential phase until the traffic light comes in. We were concerned about the flow of traffic, hence the commercial opened up. They said that is just what they did.

President Martin asked if part of the responsibility was with Mechanicsburg Borough, if they came to the Borough and they approved all of that, shouldn't the Borough have kicked it over to us? Ms. Boyer said they would have had to go through the Borough for the re-phasing. President Martin asked why it would not have had to come back to the Township. Ms. Boyer said the homes are not in the Township, so all the property in that Hess tract, is all within the Borough. The only reason they are coming to us for this phase 4 is because they are realigning Allendale Road and some of the right-of-way that is being vacated is given back to property owners that are in Upper Allen, so it is essentially like a lot add-on.

Commissioner Cochran said they needed us for Stormwater, because they dump stormwater out into the Township, and he is pretty sure we had to approve their stormwater. Vice President Castranio said we made comments on that. Commissioner Cochran said we made improvements on Allendale Road with the understanding it would handle additional stormwater that was going to come from Legacy Park. Mr. Reichard said that was correct. On the original plan, the Township provided comments. He said he does not recall receiving response to those comments. Commissioner Cochran says he does not think they dealt honestly with the Township. He did not feel good with what he heard at the meeting. He said when they come before us again, we need to address this. Commissioner Anderson said she agreed with Commissioner Cochran, she felt in a lot of respects that they could have cared less what the Township said. Commissioner Walter said it was more like they were informing us what they were going to do instead of asking permission. He is curious if it would not have been for the two property owners, that they were going to put sidewalk in front of, if they would have even done that. Commissioner Cochran said it was those property owners that realized, the plans we originally saw, there was a stormwater facility over here and now you are putting three houses in here, what happened?

President Martin asked if staff confer and is it appropriate to alert the Borough and tell them about what we perceive to be an error in their procedure or do we just wait for the developer.

Commissioner Cochran said he asked about the entrance on the plan, it was three lanes. Exiting it was a left-hand turn, a right-hand turn and one entering lane. The lane is three lanes wide, but they striped the one side so you cannot go up there at all and they have a single lane that everybody stacks on instead of having a right turn and left turn. That tends to discourage people from going out there if they want to go to the right because they stack behind people that want to make a left.

Commissioner Anderson said that on one of the motions that was made, there was interpretation

of the one gentleman, the way he avoided the one thing that was said. He skirted around it. Commissioner Cochran said that was regarding blasting. They agreed with the people here that they would not blast for the sidewalk, but they did not say anything at all about how they were going to put the basements in, in the three homes that are right across the street. Commissioner Walter said he was very careful and purposeful how he said that. Ms. Boyer said she thinks they did blasting in that development because the neighbors have complained about the blasting already. They were concerned when they did blasting during some of the early phases that it was going to mess with their foundation in their homes and stuff. Ms. Boyer does not know if the Borough will prevent them from doing blasting in the future. Commissioner Cochran said they need something from us to have that exit come out. Ms. Boyer said the note she has that came out of planning commission was that they were not allowed to do blasting on any property within Upper Allen Township.

PUBLIC IMPROVEMENTS COMMITTEE

Mr. Fraser shared that PennDOT approved our application to install a four-way stop at Mill and Grantham Road. They will be installed in the next 30 days.

Our traffic engineer did a study of West Winding Hill and Market, the light, it stacks. PennDOT approved the change to permit to allow for a 5 second delay to allow for a left hand turn so that will be put in. That is approved so we can make a modification to the light.

President Martin asked about the bridge at Mill in Grantham. Mr. Fraser said they are rerouting sewer and that is being done now. They are on schedule and expect it to be done in a week.

SANITARY SEWER SYSTEM

Grantham WWTP Dewatering System Upgrade and Miscellaneous Improvements Contract

Bids for the above referenced project are due on February 1, 2023 electronically via PennBid. This project involves replacing the existing belt filter press with a new BDP screw press, as well as replacement of conveyor equipment, controls, sludge pumps and piping, polymer feed system, and the utility water system and piping. Other improvements consist of structural renovations to the sludge dewatering building, installation of sludge bin protective floor plating, demo and removal of the lime silo, upgrades to lighting and heating system, replacement of the digester blowers, replacement of the air compressor/dryer, and replacement of the rubber membrane roofing system.

Prior to the February 1 Board of Commissioners meeting a summary of bids will be furnished to the Board members and solicitor for discussion and consideration.

There were three bids for the general contract and four for the electrical contract. He is familiar with all of these contractors. The pricing seems to be in line. The total for the two low bids was \$1,315,700. However, because this total bid price substantially higher than what was budgeted for construction, he is recommending that this is tabled until he has an opportunity to discuss this further with the engineer who was unable to attend tonight.

Commissioner Cochran asked what we budgeted. Mr. Cupp said the construction portion was

\$575,000. That price was originated in 2021 and he believes because of the complexity of the project and after meetings with contractors, electricians, controls and so forth, the project ended up being a lot more complicated and they were not able to come up with a better estimate until after the plans were finalized. They actually did come up with a better cost estimate in mid-November which he did not see until today. That estimate was \$1,168,000 with a 20% contingency on top of that. The scope increased somewhat because of the extent of the modification to the existing building. Walls are going to be removed and replaced. Several of the ceiling prestressed concrete panels are going to be removed. To make the structure more structurally sound, it was decided to totally remove the existing pre-stress panels, replace those with new panels that would extend from one side of the building and span all the way to the other side of the building. Vice President Castranio asked when it went out to bid. Mr. Cupp said late December. Vice President Castranio said that the engineer gave Mr. Cupp a price, he does not know why he is saying \$575,000, they must have forwarded you a price of \$1.1 million as the estimate before it went out to bid. Mr. Cupp said that yes, apparently on PennBid, they did have an engineer's estimate on PennBid, but he does not have access to that part of PennBid. President Martins asked if our engineer gave us a price and the reality is it doubled, but they did not communicate with us since and they did not communicate that with you, Mr. Cupp until today? Mr. Cupp said he was unaware. President Martin said that is unacceptable. We approve these engineers, they represent the Township, he does not show up half the time and then when he does come and is supposed to be managing a project for us and then he gives us a price, then in secret he puts it out in bid and everybody knows about it comes in double and says we told you in November, but no one knew it was going to double. President Martin would have liked to have known when an estimate doubles before that goes out to bid. He would like to have the Engineer in front of us trying to lead the Board through why the price is going to increase and what we need to do to build a sewer plant. He finds this unacceptable.

Mr. Cupp said the engineer recommended that this be tabled so he could discuss it with the board. Mr. Cupp said he believes they gave an honest estimate at the time, but that was very preliminary. President Martin understands that, but he is frustrated with the silence and the engineer does not have the professionalism to come face this board and help us make decisions. Vice President Castranio said it would have been an important time to know for budgeting purposes.

Mr. Fraser said he can provide a financial evaluation based on current numbers so that if we decide we want to go forward we can or you have a better number idea. He thinks ultimately there is capital for it, but it may be one of those things we need to prioritize or look at cutting back. President Martin said he is not criticizing Mr. Cupp or Mr. Fraser for where we are now, we have an engineer that was asleep. We need to inform the Sewer Advisory Board what is going on. Mr. Fraser said we have 30 days for the bid and we should be in good shape.

Commissioner Cochran said he would like to hear more about the changes they made. He wants to know what we are getting for the extra money we are spending. Commissioner Walter said it would be important to note the changes in the design and separate that from what is the increase in materials.

Commissioner Cochran made a **MOTION** to table this discussion, **SECONDED** by Commissioner Walter. The motion carried unanimously.

ADMINISTRATION COMMITTEE

Approval to Adopt a Revised Schedule of Fees

The Sewer Enforcement Officer revised schedule of fees for 2023 needs updated to include revisions to On-Lot Sewage Disposal Systems.

Commissioner Cochran said that he has been made aware of how inexpensive it is to get a permit at Upper Allen Township compared to most of the surrounding municipalities. He asked if we could take a look at what kind of permit fees we have such as street opening fees.

Vice President Castranio said that on page 6 of 13, he noticed we have a stormwater retention fee. He asked if that so anyone can dedicate their stormwater ponds to us? Mr. Fraser said it would only be if we were willing to accept it and we are not in the business of taking them. Mr. Fraser said it would be good to add a note that says that, “pending acceptance by the Board of Commissioners.”

Commissioner Cochran made a **MOTION** to approve resolution #1080 adopt a revised “Schedule of Fees” to replace the “Schedule of Fees” previously adopted by the Board of Commissioners as provided for in Chapter A250, Section A250-1 of the Code of Upper Allen Township, **SECONDED** by Commissioner Walter. The motion carried unanimously.

Introduction of Proposed Township Codification and Proposed Code Adoption Ordinance, Authorization to Advertise, and Authorization to Schedule a Public Hearing

The Township contracted with General Code in July of 2021 to begin the review and revision of Upper Allen Township Code, which is recommended every 15-20 years. The Upper Allen Code was last reviewed over 20 years ago.

As per the contract, General Code conducted a front to back Editorial and Legal Analysis of the Code to identify conflicts, redundancies and inconsistencies, and upon completion, submitted their questions and recommendations to the Township for consideration. Staff, together with the Solicitor, reviewed those questions and recommendations and provided their input as to the final changes to be made to the Code.

Once the staff comments on the Editorial and Legal Analysis were completed and submitted, General Code prepared a draft of the Code for final review and approval by the Township Solicitor. Solicitor Feinour has reviewed and approved the draft Code as well as the proposed Code Adoption Ordinance. The next step in the process is for the Board of Commissioners to introduce the proposed Codification and proposed Code Adoption Ordinance and to authorize advertisement of the appropriate documents in order to allow adoption of the new Code at the March 15, 2023 BOC meeting. Since there are several amendments to Chapter 220 (Subdivision Land Development) and Chapter 245 (Zoning), a public hearing is required. Staff propose a public hearing be held on March 15, 2023, at 6:15 p.m.

Copies of the Proposed Code Adoption Ordinance and the Notice of Introduction of the Proposed Code Adoption Ordinance have been provided to the Board of Commissioners.

Commissioner Walter made a **MOTION** that the Board of Commissioners authorize the Township

Solicitor to advertise the Proposed Code Adoption Ordinance and the Notice of Introduction of Proposed Code Adoption Ordinance no later than February 24, 2023, as well as required follow-up documents once the new Code is adopted in March, **SECONDED** by Commissioner Cochran. The motion carried unanimously.

Commissioner Cochran made a **MOTION** to authorize the appropriate township staff to advertise the ordinance and public hearing to be held on March 15, 2023, at 6:15 p.m. to discuss the text amendments to Chapters 220 and 245. The Board of Commissioners shall hear testimony during the Public Hearing. Following the close of the public hearing, the Board can consider taking action to either approve or disapprove the proposed ordinance at the regular meeting Board of Commissioners meeting on March 15, 2023, at 6:30 p.m., **SECONDED** by Commissioner Anderson. The motion carried unanimously.

PARK AND RECREATION COMMITTEE

Ms. Palmer said that we applied for a Land Partnership Grant in October, 2022 for lighting at the parking lot in Winding Hill North. We received notice that we were awarded money towards that. This will be done in March.

Vice President Castranio said there was a Park and Rec meeting last week and the scheduling of the fields went smoother than it has in the past.

Chief Parsons shared that there have been several reports of items stolen from cars while parked at the dog park. Those are under investigation, but there are no suspects at this time.

MISCELLANEOUS

Solicitor Update

There was nothing to report.

Tax Collection Committee (TCC) Update

There was nothing to report.

Capital Region COG Update

There was nothing to report.

Municipal Advisory Board (MAB) Update

Vice President Castranio shared that volunteer Bob Shively spoke at the tax credits for volunteer firefighters. There were 197 volunteers who got the \$250 maximum and it equated to about \$47,000 for the county in tax rebates/credits. The radio towers are in full swing. Spring of 2024 is when the money is going to be due. Fall of 2024 is when they think they will go live. The county, the AARP money we got, the post grant, post contract requirements, there will be a webinar for staff to look at. April 10 is when we are supposed to start reporting. The flood plain maps will be issuing their final determination letter and they think it will come March of this year and we

will have six months after that to develop the new ordinance. The county is looking at how they spend their \$5 registration fee for automobiles. Right now it is used on bridges, but they want to start using it for traffic congestion. The planning department has funds for comprehensive plans, they said they have money available. If we are thinking about updating our trails connectivity and sidewalk, they might have some money that could come our way.

Pennsylvania State Association of Township Commissioners (PSATC) Update

Commissioner Anderson has an Executive Board Meeting on Friday, Saturday and Sunday in Pittsburg. One of the things she picked up is that with everything that has been happening in the country with the shootings, police officers wearing cameras, if it is made mandate, she feels that a lot of the commissioners feel that the federal government has to pay for it. That will be voted on, on Saturday.

Commissioner Cochran said that he found an article about Upper Allen Township. It says, “apprehensive about urban sprawl with its blight and social problems, they sought ways to control growth and channel it into prescribed areas and to preserve as much of the open space and rural atmosphere as possible.” He asked Mr. Fairchild if he knew who wrote that and when. It is in an article that documents the founding of the Upper Allen Township Heritage Committee on April 12 of 1973. President Martin said that had they followed that advice, there would be a lot less residents in the Township. Commissioner Cochran said it was in “The Gardner Library,” it is an electronic library that is hosted by the Cumberland County Historical Society. This was a publication that was printed in the 1980s looking at 1973 and why things happened the way they did in 1973. It gave him a little more perspective. It talks about it being called for by the commissioners. “On May 7, 1973 residents showed up along with 2 new recruits and formed the Upper Allen Heritage Committee.” He said he shared this because he sees the comments on social media about losing the rural characteristics and he said if these people had been serious, most of them would not live here today. In the same issue, there is an article on the founding of Grantham.

There was an executive session prior to the meeting to get legal advice on pending legal items.

Commissioner Cochran made a **MOTION** to adjourn the meeting, **SECONDED** by Commissioner Walter. The motion carried unanimously.