

**MINUTES  
UPPER ALLEN TOWNSHIP  
BOARD OF COMMISSIONERS – 6:30 P.M.  
JANUARY 18, 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 January 18, 2022, Board of Commissioners meeting to order at 6:36 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 expressed condolences to the Shumberger Family. Tom Shumberger's mother, Anne, passed away.

The Commissioners received a letter from Karen Cochran, on behalf of the volunteers of the Mechanicsburg Area Meals on Wheels, expressing appreciation for Township's contribution of \$1,000.

Kerri Hoke, Senior Director of Development at Messiah Lifeways, sent a letter of appreciation for the gift of \$1,000 that was designated to the Mechanicsburg Place Senior Center and More, the Mechanicsburg Former Senior Center that is managed by Messiah Lifeways.

**CONSIDERATION/APPROVAL OF BOARD OF COMMISSIONERS MEETING  
MINUTES**

President Martin asked if there were any questions, additions or corrections to the Minutes of the December 21, 2022, Board of Commissioners Meeting.

Commissioner Cochran made a **MOTION** to accept the minutes of the December 21, 2022, Board of Commissioners Meeting, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

**PRESIDENT'S RECOGNITION OF VISITORS**

Ken Strock, of 729 Williams Grove Road

Mr. Strock shared that he was at the meeting to discuss solid waste. He stated that he has not been charged for residential trash in the past and he does not believe he should have to now, because he

has a dumpster service due to the business on his property. He stated that he is abiding by the ordinance by providing for health and safety.

Commissioner Cochran said that the Township ordinance reads that every residence must have a residential account. He stated that Republic Services did an audit of their accounts and found that Mr. Strock had not been on record as an account and that is why he was now receiving an invoice. He suggested that Mr. Strock could talk to Republic Services, and if they agree to something different, that is between them.

Mr. Feinour said that as a general proposition, courts have upheld waste disposal and it is applicable whether the property owner uses it or not. He said that he will look into it closer.

Karen Overly-Smith, of 855 Oak Oval

She shared that there is free tax preparation available through AARP Tax Aid Locations on the West Shore. She gave a list to the Recording Secretary. She said it is not income dependent.

Barry Strock, of 815 Williams Grove Road

He questioned the agricultural exemption for solid waste. He said that he does not have trash. When asked what he does with his paper waste, he said he does not have any. He said he does not generate any waste. President Martin asked him what he does with cereal boxes. Mr. Strock said he recycles that and takes things to a recycling center twice a year. He said he burns bailer twine. President Martin asked him if he was allowed to burn trash and he said he was, that no one ever told him he could not.

### CONSENT AGENDA

Vice President Castranio shared that he would be abstaining from Item C and D as he represents the Engineer.

President Martin mentioned the correction in the sewer delinquency rate. He also noted that in the Fire Department report increased call volume was mentioned and the on-going concern about volunteers. President Martin shared that there is a fund for paid drivers.

Commissioner Anderson noticed in the Fire Department report that there is a large number of calls outside of Upper Allen Township. She asked if that creates any issues with the need for more firemen. Chief Shumberger said the largest number is Carrol Township with 53 calls. He said in the same token though, they have had 364 calls in Upper Allen. Most of them, Mechanicsburg has come out to assist us. We do go to help Carrol Township a lot, but Mechanicsburg comes to help us. He said that going forward, Dillsburg has added two paid fire fighters on during the day. The number should be less this coming year.

Commissioner Walter made a **MOTION** to approve the following Consent Agenda Items, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Consideration/Approval of Staff Reports

Consideration/Approval of Bills in the Amount of \$713,858.60

**FINANCIAL SECURITY RELEASE FOR WINDING HILLS PRD, STAGE 4, UAT FILE  
#13-01-02**

The Township received a letter from Alpha Consulting on behalf of the Developer requesting a reduction in the financial security posted for Winding Hills PRD, Stage 4, UAT File #13-01-02.

In December, it was determined that the \$5,500 should remain to cover the costs of installation of the required pins and monuments. We have since confirmed all the required pins and monuments have been installed. Therefore, the remaining financial security can be released.

The Township is holding a Letter of Credit (LOC) in the amount of \$5,500 to guarantee installation of the improvements in this development.

**FINANCIAL SECURITY REDUCTION FOR WINDING HILL PRD, STAGE 7,  
SECTION 1, UAT FILE #20-01-02B**

We have received a letter from Alpha Consulting Engineers on behalf of the Developer, requesting a reduction in the financial security posted for the above-referenced plan.

We recently inspected the improvements completed through the date of the request, and some security was released in December. Since then, we were able to confirm all the required pins and monuments have been installed. Therefore, the Board of Commissioners can authorize another reduction in the financial security.

The Township is holding a Letter of Credit in the amount of \$10,824.00 to guarantee installation of the improvements in this development. As provided in the Municipal Planning Code Section 509(j) and Section 509 (f), we suggest that the Board of Commissioners retain 10% of the estimated cost of the completed improvements and 110% of the estimated cost of the remaining improvements to be installed. Therefore, the Developer should be required to post new financial security for \$9,900.00. When all improvements are completed, and the Developer dedicates any improvements to the Township financial security in an amount equal to 15% of the installation cost of the improvements for a period of eighteen (18) months.

Commissioner Anderson made a **MOTION** to grant the financial security for Winding Hills PRD, Stage 4 and for Stage 7, **SECONDED** by Commissioner Walter. Vice President Castranio abstained. The motion carried unanimously.

**PUBLIC SAFETY COMMITTEE**

**POLICE DEPARTMENT UPDATED**

Chief Parsons shared that Jordan Howard began Police Academy last week. He said that last Friday and this Friday, they are having department training in-house. The training consists of recognizing mental illness and the effects it has on personal interactions, office wellness, de-escalation, criminal investigation topics and procedures. The police department is currently in the process of implementing body cameras.

**FIRE DEPARTMENT UPDATE**

Chief Shumberger said there were 79 calls in December, averaging eight people per call. In 2022, they were 8<sup>th</sup> in all of Cumberland County with calls. Their ladder truck was the 4<sup>th</sup> busiest in Cumberland County.

## **PLANNING AND ZONING COMMITTEE**

### **CONSIDERATION/ACTION FOR P/F LD PLAN FOR 2509 MILL ROAD. (END DATE 01/30/23)**

The proposed project is for the demolition of the existing single-family home and shed, and construction of 14 townhomes. The total tract acreage is 1.75 acres. The development will create an additional 35 off-street parking spaces (32 spaces are required). The development will be served with public water and sewer. The proposed use of the subject property is consistent with the Upper Allen Township's Zoning Ordinance and Comprehensive Plan.

The Applicant has requested the following waivers, deferrals, and modifications:

1. Defer the requirements of Section 220-5.3.A(2) to install curbs along Mill Road. The Applicant is requesting this because curbing does not already exist along Mill Road.
2. Defer the requirements of Section 220-5.3.B(3) requiring sidewalks to be installed along all roads. The Applicant is requesting this because sidewalks do not already exist along Mill Road.
3. Waive the requirements of Section 220-5.10.A(1) to allow for 20' wide easements instead of 30' wide easements for sanitary sewer and storm drainage facilities.
4. Modify the requirements of Section 220-5.13.B(1)(e) to allow the applicant to install four evergreen trees and zero shade trees around the dumpster enclosure area instead of the required 14 evergreen trees and two shade trees. The Applicant is required to plant the remaining 10 evergreen trees and two shade around the property.
5. Modify the requirements of Section 220-5.13.B(2)(a)[2] to allow for end of parking row landscaping islands as designed on the plan last revised on December 20, 2022 in lieu of the requirement that the landscape islands be equal to one parking space. The Applicant will provide a minimum of 35 parking spaces in lieu of this requirement.

Dan Wise, Engineer with RJ Fisher and Associates representing Mihail Malinov.

Mr. Wise said he was asking for conditional approval and for a number of waivers. Ms. Boyer said there are two deferrals, three modifications and one waiver. Mr. Wise said the property has 85-foot frontage on Mill Road and that the tract is 1 ¾ acres. It would be serviced by public water and sewer. The access drive comes down and serves as a parking lot that has more than adequate parking for the homes. There are eight housing units on the north side and six on the south side. There is a robust landscaping plan with buffers around most of the site.

Vice President Castranio asked if he was working with the neighbors regarding curbing. Mr. Wise said they could coordinate with them. Vice President asked if the water was active. Mr. Wise said there is a right-of-way and that water line is shown on prior plans, they did exploration to locate the water line and have not found it, but they are honoring it in case it exists.

Discussion occurred regarding maneuverability to fight fires. Mr. Wise said he met with the Chief Shumberger and they added more of a turnaround at the end of the parking lot. Vice President

Castranio said a truck turning template shows it going over cars, the sidewalk and through the dumpster. Mr. Wise said he would look at it to see if they can get a tighter turning. He said the Fire Chief indicated that they do not need to turn around, they could back out. Chief Shumberger said that when he met with Mr. Wise, he was told they would make sure there was no parking near the dumpsters and that the fire company could swing down by the dumpsters, back out and be able to turn around and come out.

Commissioner Cochran said this is going to be a private driveway and wanted to know who would enforce the no-parking. Chief Parson said that as a private road, they cannot site anyone.

The property owner, Mihail Malinov, is building a residence two miles away. President Martin asked Mr. Malinov if he was aware of the difference of a municipal street, parking and speed. He asked if he knew that the Township could not enforce it for him and if he was prepared to take care of it. Mr. Malinov said yes.

Discussion occurred about the number of parking spaces. They are planning for 35, which is three more than required. President Martin asked if the number of spaces was realistic as it did not provide many for guests and maneuvering of trash trucks and fire trucks. A traffic study has not been done.

There were concerns about kids and school busses. Mr. Wise said they could do what they are doing now, which is standing in the grass.

Commissioner Walter said he was concerned about calculations with impervious coverage. With everything they added, the percentage went down instead of up.

Commissioner Anderson said the Planning Commission expressed concerns about a traffic study even though they are not required. Mr. Feinour said it could be required. President Martin said it is a board prerogative.

Melanie Horvat, of 605 Winger Drive, known as the Gladfelter Residence

Ms. Horvat asked the Board to oppose the development until all of these deferrals, waivers or modifications are addressed as the project continues to skate by issues. She expressed concerns about the impervious section, safety on Mill Road, a traffic study, loss of privacy, light pollution, inadequate buffer zone, sewer and trash, casts of shadows, decreased air quality, odors from a pumping station and devaluing their property. She is concerned that the owner spends his summers out of the country and how attentive he would be to the property. The owner said he is planning to have a property management company and there would be year-round maintenance.

Vice President Castranio said that they will try to do what they can, but it appears to meet the codes.

Joanna Harms, of 604 Wingert Drive

Ms. Harms said she is across Wingert Drive. She shared that there are four school bus stops on Mill Road. Ms. Harms asked if the builder had to put sidewalks in, how would it affect the Wheatland property. She asked if in the future, would it cause someone who has an established home to need to put in sidewalks as well. Vice President Castranio said that if the Township was master planning Mill Road, yes, they would probably be asked to put sidewalks in. Ms. Harms asked if they would be financially responsible for that, and the answer was yes. Ms. Harms said

it is just a bit of a shock factor to go from a one house property to 14.

Ms. Boyer said there is a time extension for this plan that ends the end of January. She advised that the Commissioners may need to grant a time extension if they want to require a traffic study or if they have other concerns.

Vice President Castranio shared that the developer picked up two parking spaces by not having landscaping. Ms. Boyer said they have provided a variation on landscaping, but not to the full standards. She shared that when you have 25 spaces, it requires you to provide one ADA space.

Commissioner Anderson shared that the planning commission was very concerned about the number of units. Mr. Wise said that when the project began, they were intending 16 units and that number has been reduced.

Mr. Wise said there will be a full buffer yard of plantings to buffer this development from neighbors. President Martin asked if some of the plantings would take 10 years to mature and Mr. Wise said yes. The units are two stories with pitched roofs. Mr. Wise said there is a lighting plan and that lighting levels at the property line are zero to none. Mr. Wise stated that there are a number of townhome developments on this road. Commissioner Walter said that he was comparing his 14 units to other townhomes of six to eight.

President Martin asked the owner, if after hearing the concerns of the neighbors, if he would consider putting in fewer units. Mr. Malinov said he would have to think about it. President Martin asked that if it would make sense to have fewer than 14 units, he would be willing to discuss that, and Mr. Malinov said yes.

Mr. Wise asked what the appropriate number of units would be and President Martin said he was not sure. Mr. Wise asked what the reason for a traffic study was and what it would recommend. President Martin said it be helpful to know as people came in and out of the neighborhood if there was good visibility, it is on a hill on a curve and there are school kids. Mr. Wise asked if the traffic study recommended off-site improvements, who would do them. President Martin said that would be a future discussion.

Mr. Wise said they can offer to do what they can at the frontage that might be money better spent than a traffic study. They could put the curb in now, put the sidewalk in now, and widen the road in front of the frontage.

Vice President Castranio asked Mr. Wise about the water easement he said they were honoring. He said you have a buffer screen on the water line and you have a retaining wall going through the 10 ft water easement. Vice President Castranio told him he need to keep structures out of the easement and that if Veolia is the one that has control of that easement, then part of the water design, would need to be coordinated. He also stated that on the pumping station, that is never going to be dedicated to the Township and it should be noted on the plan that it is not the Township or the Township Sewer Manager that is called, it is the Property Manager. Vice President Castranio asked if the pumping station was being built to Township standards and Mr. Wise said it was. Vice President Castranio said the retaining walls need to be submitted with engineering design prior to any building permits.

Commissioner Anderson stated that the Township needs an extension of time. President Martin

echoed this. He said there are concerns about typography, access and egress to the site, parking, emergency vehicles and bus pickups. He shared that the owner said he would consider a reduced number and what President Martin heard is that the owner is willing to try to make it work in this community. He suggested Mr. Wise have a meeting with the neighbors to get a feel for what works.

Commissioner Walter said that Police Chief Parsons suggested a traffic study. Vice President Castranio suggested contacting our traffic engineer. Commissioner Anderson suggested extending until March 30, 2023.

Mr. Wise asked if could be tabled, but if the commissioners could at least act on the waiver request - the two deferrals of curbs and sidewalks. President Martin said he has a problem with that because the traffic engineer may say differently and that he would prefer to act on nothing at this time.

Ms. Boyer told Mr. Wise to follow up with her in writing by June 30<sup>th</sup>, and you can always bring it in early.

Commissioner Anderson made a **MOTION** to extend the 2509 Mill Road property until June 30, 2023. If the applicant does not supply that written letter within 5 business days, the plan will be denied based on the comment letter dated January 12, 2023 from our Township staff **SECONDED** by Commissioner Walter. The motion carried unanimously.

Decision tabled.

#### **AUTHORIZATION TO PROCEED WITH 7-YEAR ASA UPDATE, SCHEDULE PUBLIC HEARING, AND APPOINT ASAAC CHAIRPERSON**

We request the Board of Commissioners to authorize the review of the Township Agricultural Security Area. The Township first adopted its ASA in 2002. Every seven years, the Township can review the ASA, allowing for recommendations from the local and county planning commissioners as well as the local Ag Security Advisory Committee. The Township must hold property-noticed public hearings prior to adopting and recording a resolution acknowledging any changes. Failure to review the ASA within the 7-year anniversary will result in an automatic renewal of the ASA for another 7-year period. We believe it is important to review this ASA this 7-year period due to some recent changes in property ownership. We want to ensure the ASA property list is as current as possible.

The goal of an ASA is to protect agricultural lands from development and other urban pressures. The program provides protection from unreasonable restrictions on farm structures and practices. Only farmers whose land is in an ASA are eligible to participate in any conversation easement purchase programs. Admittance into the ASA program is on a voluntary basis, farm parcels must be 10 acres in size or larger, and the Township may maintain an ASA with at least 250 acres of viable agricultural land. There is currently more than 950 acres of agricultural land in the Township's ASA. A map was shared.

To move forward with the 7-year updated review, the Board of Commissioners must hold a public hearing between April 20<sup>th</sup> and June 19<sup>th</sup> before a resolution can be adopted. A public hearing and consideration to adopt a resolution could take place on May 3, 2023. The resolution must be

recorded, and copies must be provided to various township and county commissioners within ten days of the public hearing. However, if this review is not completed by November 12, 2023 the current ASA is maintained.

Additionally, the Township must have an ASA Advisory Committee, which it did in 2002. However, this committee has not met in several years. The committee must be comprised of three active farmers, one resident of the Township, and one Commissioner (who serves as the committee's chairperson.) Township staff have contacted two of the previous committee members (both active farmers) to see if they are willing to continue serving on the committee. Currently, there is one vacancy for an active farmer and one for a resident of the Township. Additional outreach will take place to help fill these vacancies. The Board must also appoint one of its commissioners to serve as the Committee's chairperson.

Commissioner Anderson said that she was the Chairman, but they only had one or two meetings.

Commissioner Anderson made a **MOTION** to approve the review of the Township's Agricultural Security Area. The appropriate Township staff are hereby authorized to advertise a 30-day review period is in effect, and advertise a public hearing to be scheduled for May 3, 2023, at 6:15 p.m. Following the close of the public hearing, the Board can consider action to either approve or disapprove the proposed resolution at its regular Board of Commissioners meeting on May 3, 2023, at 6:30 p.m. Township staff shall also notify the residents and the appropriate advisory boards, as required, **SECONDED** by Commissioner Walter. The motion carried unanimously.

Commissioner Cochran made a **MOTION** to appoint Commissioner Walter as the committee chairperson to the Agricultural Security Area Advisory Committee, **SECONDED** Commissioner Anderson.

### **ECONOMIC DEVELOPMENT LIQUOR LICENSE FOR 7-ELEVEN**

On October 6, 2021, the Board of Commissioners adopted Resolution 1055 to grant the authorization of an economic development liquor license for a 7-Eleven store and Roost Chicken at 151 Gettysburg Pike.

Since the adoption of this resolution, the addressing for this site has changed. The 7-Eleven store will be 147 Gettysburg Pike and the vacant restaurant pad will be 151 Gettysburg Pike. The Pennsylvania Liquor Control Board has asked that we update the resolution to reflect the correct address.

Commissioner Cochran made a **MOTION** to amend Resolution 1055 to correct the address of the economic development license for 7-Eleven Sales Crop. To 147 Gettysburg Pike, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

### **PUBLIC IMPROVEMENTS COMMITTEE**

There was no report.

### **SANITARY SEWER SYSTEM**

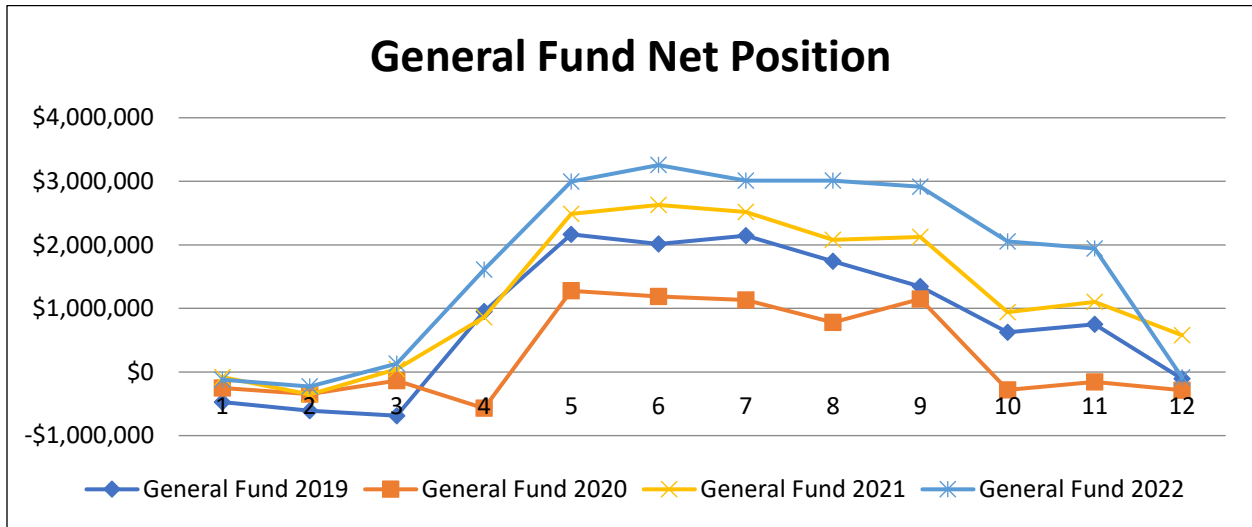
There was no report.



**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 and Sewer Operating).

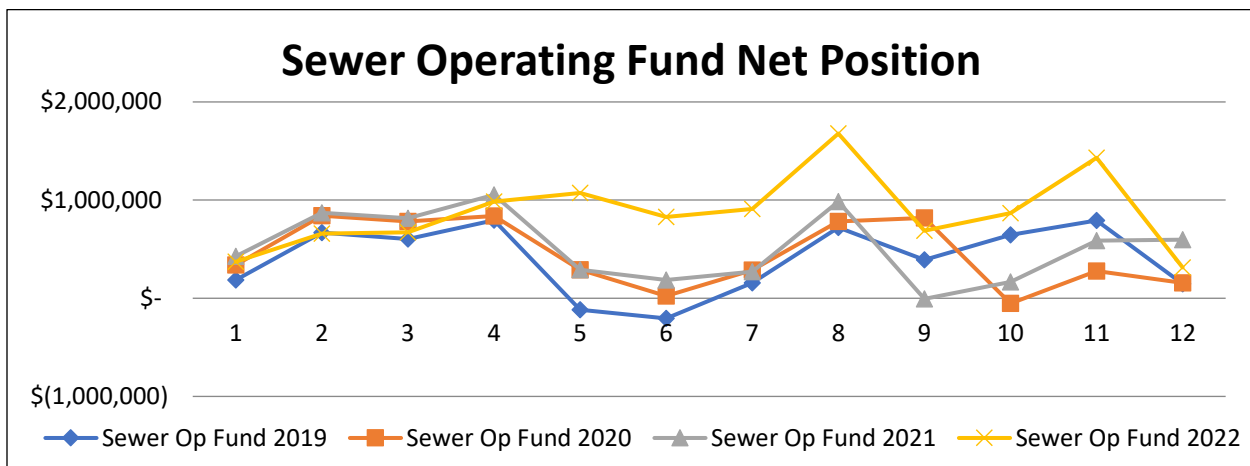


For the month of December, General Fund Expenditures (all expenditures plus transfers) of \$3.8M exceed General Fund Revenues of \$1.8M by \$2M. The decrease in net position matches prior year's trends. In December, revenues were mostly made up of Local Enabling taxes (Real Estate Transfer Taxes, Earned Income Taxes, and Local Service Taxes) and building permits. Most expenses are personnel and insurance related and transfers. All 2022 planned transfers from the General Fund to other funds were made.

Overall revenue and expenditure positions in December 2022 are \$12,437,835.09 (an increase of 16% compared to 2021) and \$12,524,529.60 (an increase of 24% compared to 2021) respectively.

Most of the revenue difference is attributed in our local enabling tax categories as compared to 2021 YTD. Additionally, we made a high dollar ARPA transfer into the General Fund.

Related to the increased % in expenditures, we increased our planned transfer to the Capital Fund by \$250k (\$750k to \$1m). Additionally, we made a high dollar ARPA transfer from the General Fund to the Capital Fund. Excluding the transfers, I have described above in and out of the General Fund, expenditures remain pretty much level in comparison to previous years.



The Sewer Operating Fund net position decreased in December, with the total position continuing its net surplus in the amount of \$314K. The decrease in position was expected and consistent with previous years' trends. Most of the revenues collected were sewer rentals.

Most of the December expenditures were personnel and system operations related. Additionally, a \$1m planned transfer was made into the Sewer Reserve Fund.

At the end of December 2022, township expenditures are being managed within budgetary constraints. None of Upper Allen Township's Funds are currently at risk of operating in a deficit; all funds' revenues (Revenue plus Fund Balance) exceed expenditures.

#### **APPROVAL OF A RESOLUTION ESTABLISHING REVISED PURCHASING GUIDELINES AND AUTHORIZATION REQUIREMENTS.**

Commissioner Cochran made a **MOTION** to move Resolution 1079, a resolution of the Board of Commissioners of Upper Allen Township, Cumberland County, Pennsylvania establishing revised purchasing guidelines and authorization requirements, **SECONDED** by Commissioner Walter. The motion carried unanimously.

#### **APPOINTMENT OF MUNICIPAL FIRE OFFICIAL**

Chapter 26 previously required the Fire Marshal to be appointed by the Board of Commissioners by Resolution. This language was amended through Ordinance #818 on May 4, 2022. The Fire Marshal is still an appointed position, but not by resolution.

The Township has hired Valerian Curd to fill the position of Fire Official. Therefore, Mr. Curd should be appointed. Additionally, German Barranca has his fire official certification. We ask that he be appointed as Deputy Fire Official so that he may review various building, operational, and other related permits and enforce the provisions of the International Fire Code (IFC), as related to his duties as a Building Inspector.

Commissioner Cochran made a **MOTION** to repeal Resolution #1065 appointing Katelyn Hooker as Fire Marshall. Move to appoint Valerian Curd as the Municipal Fire Official and German Barranca as the Deputy Fire Official, **SECONDED** by Commissioner Walter. The motion carried unanimously.

Vice President Castranio asked if our Fire Marshal can assist the Chief in reviewing the plan that we just asked to table, can they take a look at the back up area. Ms. Boyer said the plans go to the Fire Marshal and they coordinate with the Fire Chief on their reviews.

### **PARK AND RECREATION COMMITTEE**

There is a meeting on Wednesday, January 25<sup>th</sup>.

### **MISCELLANEOUS**

#### **SOLICITOR UPDATE**

There was no report.

#### **TAX COLLECTION COMMITTEE (TCC) UPDATE**

There was no report.

#### **CAPITAL REGION COG UPDATE**

They had the Annual Dinner on Monday. President Martin, Commissioner Anderson and Township Manager Fraser attended. State Treasurer Garrity spoke.

#### **MUNICIPAL ADVISORY BOARD (MAB) UPDATE**

There is a meeting the last Monday of this month at 6pm.

#### **PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS (PSATC) UPDATE**

Commissioner Anderson will be attending the State Executive Board in Pittsburg on the 1<sup>st</sup> weekend in February.

There was no public comment.

There was no executive session.

Commissioner Walter made a **MOTION** to adjourn the meeting at 8:33 p.m., **SECONDED** by Commissioner Anderson. The motion carried unanimously.

NEXT ORDINANCE: 821

NEXT RESOLUTION: 1079