

**MINUTES
UPPER ALLEN TOWNSHIP
BOARD OF COMMISSIONERS
6:30 P.M. MARCH 1, 2023**

COMMISSIONERS

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

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

Vice President Castranio 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 Martin and Commissioner Walter were absent.

PRESIDENT'S ANNOUNCEMENTS

There were no announcements.

**CONSIDERATION/APPROVAL OF MINUTES OF BOARD OF COMMISSIONERS
MEETINGS – February 1, 2023**

Vice President Castranio asked for any comments or corrections to the Minutes of the February 1, 2023, Board of Commissioners Meeting. There were none and Commissioner Cochran made a **MOTION** to approve the Minutes of the February 1, 2023, Board of Commissioners meeting, **SECONDED** by Commissioner Anderson. The motion carried 3-0.

PRESIDENT'S RECOGNITION OF VISITORS

Jo Bitzer, of 607 Keswick Court

She read in recent minutes that accommodations to this room are to include some sort of bullet proof screening. She wanted to know if there have been threats made to the Board and if that was the reason it was being done or just like it is being done all over the place. Vice President Castranio said it has been completed. He is not aware of any recent threats to this Board, but we have been discussing it for a while. There have been shootings in other Townships. She also wanted to know if any accommodations are being made to either live stream the meetings on Facebook or possibly recorded and put on YouTube. Vice President Castranio said her point is well taken and that we have been looking into it and discussing it. Commissioner Cochran said they got a quote, and it was \$60,000 for the equipment to do it properly. He said it is not in the budget for this year, but they may look at it next year. We have a vendor coming in to replace the projection TVs, so they are easier to read. At the same time, we asked him for a quote on what it would take to set up and it surprised us. You need to have cameras forward facing and rearward facing and a control panel

to go between them. Ms. Bitzer said the school board has it but did not think they had all that equipment. Commissioner Cochran said he does not know how they do theirs. He said that Cumberland County has a camera, but you cannot see the people addressing the Commissioners. They are sitting back and their backs are to you, so you have no idea who they are. The School Board has a single camera too. She said that her opinion is that having something that is not perfect might be better than having nothing at all.

CONSENT AGENDA

Commissioner Cochran made a **MOTION** to approve the consent agenda, **SECONDED** by Commissioner Anderson. The motion carried 3 to 0.

Financial Security Reduction for the Autumn Chase Phase III
Financial Security Reduction for Pennington

PUBLIC SAFETY COMMITTEE

POLICE DEPARTMENT UPDATE

Chief Parsons said they are looking at the schedule and getting the bicycle units ready for bike patrol in the spring and summer. Sgt. Snyder is the supervisor of our Bike Patrol unit. There will be extra patrols at the Township Parks this summer as usual.

Officer Jordan Howard is doing well at the Policy Academy and has passed all his exams there.

Dane Travers and Amanda Knaub are nearing the end of their one-year probationary status with the Police Department.

Commissioner Cochran asked about Electric Bikes for patrol purposes. Chief Parsons said that he will look into them.

FIRE DEPARTMENT UPDATE

No report.

PLANNING AND ZONING COMMITTEE

APPOINTMENT TO HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB)

The Historical Architectural Review Board (HARB) currently has a vacant term for a real estate broker. The term expires on December 31, 2027.

John Esser has expressed interest in serving on HARB. Mr. Esser is a real estate broker, owning his RE/MAX real estate office in Camp Hill. He also owns property in the Shepherdstown Historic District. Staff asks the Board of Commissioners to consider appointing Mr. Esser to HARB.

Eric Fairchild, of 1224 McCormick Road
He said that Mr. Esser has a matter pending before the HARB with the buildings in Shepherdstown.

Commissioner Cochran said it was approved. Mr. Fairchild said it had to go through a further process to be approved by the Pennsylvania Historic Museum Commission (PHMC). He said he thought there had to be a hearing to implement some of the changes within the district. Ms. Boyer said that Mr. Esser's request was to demolish the house through a certificate of appropriateness and that is determined by the governing body. She said those requests do not go through PHMC. Mr. Fairchild said that Mr. Esser had a request to participate in taking four properties out of that district. Ms. Boyer said that is something that this Board has been talking about for the Township as a whole, we have not moved forward with amending the ordinance for Chapter 155. Those are two separate matters. Mr. Fairchild said that Mr. Esser spoke at one of those meetings and he was in favor of that. Ms. Boyer said he was not the one who brought the proposal to make changes to the historic districts. That was a Township project. Commissioner Cochran said he believes that Mr. Esser was in here for his project at the same time the Township was talking about redefining Shepherdstown boundaries. He was here to get approval to demolish the building that he had bought. Mr. Fairchild said that Mr. Esser spoke. Commissioner Cochran said he thinks Mr. Esser said it made sense to him, but he was not here to speak to that. Mr. Fairchild said that he did not think that Mr. Esser lived in Upper Allen. Commissioner Cochran said you do not have to live, you have to own property and he will own property in the historic district which is a plus. Mr. Fairchild said, "something you want in general."

Commissioner Anderson made a **MOTION** to appoint Mr. John Esser to serve on the Historical Architectural Review Board for a term to expire on December 31, 2027, **SECONDED** by Commissioner Cochran. The motion carried 3-0.

APPOINTMENT FOR AGRICULTURAL SECURITY ADVISORY COMMITTEE

Mr. James Paulus expressed interest in serving on the ASAAC Committee. Mr. Paulus has taken over the Paulus' farm property on South York Street.

The Township currently has a vacancy for a farmer within the Township to serve on the ASAAC. Mr. Boyer recommends the Board consider appointing Mr. Paulus to the Agricultural Security Area Advisory Committee.

Eric Fairchild, of 1224 McCormick Road

He asked if the Township concluded a comment period on the agricultural security areas today. He wondered if any comments or requests for proposed changes were received. Ms. Boyer said we are concluding the comment period now and we have to compile that information. That will be passed along to this ASAAC, the County Planning and the Planning Commission and there will also be a public hearing. It will be compiled, sent out to the Boards and made part of public record at a later time. The Planning Commission will probably hear it in March. The ASAAC has not established a date yet. We then have to send our comments out to County Planning, and they will schedule to hear the information at one of their regularly scheduled meetings. Then the public hearing is scheduled for May 3, 2023. Mr. Fairchild asked if the first pass at compiling the information would be before the next planning commission meeting. Ms. Boyer said it would be March 27th.

Commissioner Anderson made a **MOTION** to appoint James Paulus to the Agricultural Security Area Advisory Committee, **SECONDED** by Commissioner Cochran. The motion carried 3-0.

There will be a HARB meeting on March 21, 2023. There will be one case for 240 Gettysburg Pike to create access to the basement.

Commissioner Cochran asked if it was correct that ModWash has their traffic study back and that we will be scheduling them here in the near future? Ms. Boyer said it is. It is on-line on the Development page with the ModWash information, and they are tentatively scheduled for the March 15th Commissioner's Meeting to be back here for re-approval.

PUBLIC IMPROVEMENTS COMMITTEE

No report.

SANITARY SEWER SYSTEM

Grantham WWTP Dewatering System Upgrade

Kappe Associates, Inc. (KAI) submitted the attached Proposal on February 20, 2023 for BDP Industries Screw Press Dewatering Equipment and Installation Services each of which are being offered through the PA CoStars Procurement Program. The dewatering system upgrade 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. The CoStars price for dewatering system equipment is \$871,500.00 and the CoStar price for installation services is \$396,000.00

The amounts included in the 2023 Sewer Budget are \$871,500.00 for equipment and \$375,000.00 for installation (estimated budget figure based on information received from KAI). The installation figure is \$21,000.00 higher than anticipated (1.7% over budget amount).

The total estimated cost for the sludge dewatering system upgrade through CoStars provider KAI is in the amount of \$1,267,000.00

Commissioner Cochran asked that if we would have been a little quicker, would we have saved \$21,000 because we were using a price that was on COSTARS and they raised the price? Mr. Kostelac said no that the material price stayed the same, all that changed was the installation. Commissioner Cochran asked if the installation was not on COSTARS. Mr. Kostelac said no, it is through COSTARS as part of the procurement of the equipment, but until the design was complete, the installing contractor could not really price the work, so they gave the Township an estimated price a year ago. Now that the design has been complete, they provided a firm price which is what we have.

Commissioner Cochran made a **MOTION** authorizing the appropriate Township official to approve/sign the Proposal from Kappe Associates, Inc. dated February 20, 2023, in the amount of \$871,500.00 for equipment and \$396,000.00 for equipment installation services associated with the Grantham WWTP Dewatering System Upgrade, **SECONDED** by Commissioner Anderson. The motion carried 3-0.

Grantham WWTP Miscellaneous Improvements Contract

Bids were received for the above referenced project on February 1, 2023, electronically via PennBid. Other improvements consist of structural renovations to the sludge dewatering building, installation of sludge bin protective floor plating, 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.

The original budgeted amount for this work was \$575,000.00, versus a total low bid in the amount of \$1,315,700.00. This overrun in cost was primarily due to an increase in the scope and work and an escalation in prices, to be outlined in a forthcoming memo from GHD.

Included in your meeting packets is GHD's Memorandum dated February 1, 2023, which summarized the bids. GHD (Engineer) has reviewed the bids packages for all bidders for compliance with the Contract Documents and has determined that the Contract Documents appear complete and correct. Pending favorable review of the bid package by the Township Solicitor, motions are suggested.

Mr. Kostelac said that the estimate for this project was done in 2021, prior to the design getting underway and that it was too low even at that time. Through the course of design, we prepare updated construction cost estimates. Those were prepared and were accurate, but were not communicated well to the Township, so it came as a surprise when bids were received. That is the first issue at hand. That is GHD's responsibility and issue to resolve in the future. The other issue is related to additional scope which is limited primarily to the new roof on the operations building. As originally contemplated, we were going to make some repairs. After getting into it and discussing with our architect, it became obvious that repairing the roof vs replacing it considering the age of the roof and current condition, was not money well spent. A years' worth of labor and materials escalation contributed to some of the increase. The preponderance of this issue arose from a fairly weak budget estimate that never really got updated in the first place.

He referred to a memo he prepared and passed along to staff earlier this week. The Board said that they did not receive that. Commissioner Cochran asked if we could know how much was scope created and you are saying that is only about \$180,000 to \$182,000. Mr. Kostelac said that was correct. Commissioner Cochran asked if the rest was just bad budgeting, so it was about \$700,000 of bad budgeting? Mr. Kostelac said about \$500,000. The other part of the memorandum was a description of the phases of the project and the needs associated with some sort of context in terms of why the project had been contemplated in the first place and why it is still important to be accomplished. Mr. Kostelac shared that there is the dewatering piece that we talked about, there is the operations building enhancements which are largely necessary to accommodate the new equipment as well as things like a new roof on a 1990 building, exit lighting and fire alarms that needed updated. Other improvements in the facility that relate to the ancillary process, digestion blowers and waste activated sludge valves. Vice President Castranio said that we used the number to prepare our budget. Commissioner Cochran said he does not question the need to do the project and fortunately we are in a position where we can go ahead and do it even at this price, but when the original budget was \$575,000 and it comes back at \$1.3 million that is a big difference.

Vice President Castranio asked Mr. Fraser if he was comfortable with the sewer funds. Mr. Fraser said that we are in a position to be able to handle this. He said that if this gets approved by the Board we will move forward with the budget adjustment. From the current reserves, we are in a good position.

Commission Cochran made a **MOTION** to authorize the appropriate Township representative to issue a Notice of Intent to Award Contract 1 – General Construction to PSI Pumping Solutions, Inc. in the amount of \$1,195,700.00, and Contract 2 – Electrical Construction to WYElectric, LLC in the amount of \$120,000.00 in connection with the Grantham WWTP Miscellaneous Improvements Project, this would be done after Engineering and Solicitor certify the bonds and insurances have been furnished in compliance with the Contract Documents, **SECONDED** by Commissioner Anderson. The motion carried 3-0.

ADMINISTRATION COMMITTEE

SALE OF RESIDENTIAL STRUCTURE IN GENERATIONS PARK

At the December 7, 2022, BOC meeting, the Board took action to authorize staff to advertise 3 bid contract options for the residential structure located in Generations Park aka 1215 McCormick Rd.

- Contract 1: Removal and relocation of the house
- Contract 2: Sale of the house with the land (Lot 5) across the street
- Contract 3: Demolition to include the house, carriage house, small living quarters and pool.
 - With an alternate option for just the structures in the case that someone successfully bid on contract #2.

Staff worked with the Township Engineer and Solicitor to create bidding documents and procedures. Public bidding was properly advertised in the Sentinel newspaper and advertisement and contract documents were available publicly at no cost through PennBid.

On Thursday, February 23, 2023, at 10:00am bids for all 3 contracts were opened. A tabulation follows:

**CONTRACT NO. 1
SALE AND RELOCATION OF FARMHOUSE**

COMPANY	BASE BID
NO BIDS RECEIVED	

**CONTRACT NO. 2 - RELOCATION OF
FARMHOUSE AND SALE OF LOT 5**

COMPANY	BASE BID
Cunningham, Chernicoff & Warshawsky, P.C.	\$250,001.00

**CONTRACT NO. 3
FARMHOUSE DEMOLITION**

COMPANY	BASE BID DEMO ACCESSORY BUILDINGS	ALTERNATE NO. 1 DEMO FARMHOUSE	TOTAL OF BASE BID & ALTERNATE NO. 1
JDI Site Solutions, LLC.	\$31,300.00	\$65,800.00	\$97,100.00
Ben Washington General Contractors, LLC.	\$86,700.00	\$97,700.00	\$184,400.00
A.T.O. Excavating, Inc.	\$60,000.00	\$215,000.00	\$275,000.00

Commissioner Cochran asked for confirmation on the buildings that would be demolished. Mr. Reichard shared that it would be a small garage structure, pool and concrete walkway surrounding it, a small shed that will be removed.

Matthew Taylor, of 900 McCormick Road

He shared that he was the \$250,001 bid and he would like to ask if he could demo and reuse the red sandstone that is in the pool house. It is a 10x10 three-sided structure that is about 36 inches high of sandstone that matches the existing foundation of the existing farmhouse. Mr. Feinour said we cannot offer that as it was not part of the bid. Commissioner Cochran said that if he wanted that, he would need to contact the demolition company and see if they want to give or sell it to them. He said they may have bid what they bid because they saw some use for it.

Commissioner Cochran made a **MOTION** to accept Cunningham, Chernicoff & Warshawsky, P.C.'s base bid of \$250,001 for Contract #2 under the condition that all Terms and Conditions of Sale are properly followed, **SECONDED** by Commissioner Anderson. The motion carried 3-0.

Commissioner Cochran made a **MOTION** to authorize the appropriate Township staff and solicitor to schedule settlement of the property within 60 days, **SECONDED** by Commissioner Anderson. The motion carried 3-0.

Commissioner Cochran made a **MOTION** to accept JDI Site Solutions, LLC. Demo Accessory Buildings for Contract #3 at a cost not to exceed \$31,300.00, **SECONDED** by Commissioner Anderson. The motion carried 3-0.

Phil Walsh, of 443 McCormick Road

He shared that Matt Taylor had to leave but wanted him to express on his behalf his heartfelt thanks for the Board's acceptance of his bid. He greatly appreciates everything you have done to work on this project, and he is looking forward to moving forward.

RATIFICATION OF LEGAL ACTION IN UPPER ALLEN TOWNSHIP V. ESTATE OF JAMES GUTSHALL, AND HOOVER ENGINEERING SERVICES, INC.

The Township Solicitor has the authority under section 1204 of the First Class Township Code to handle all legal action for the Township. Mr. Feinour recommended the Board of Commissioners ratify the filing of the legal action against the Gutshall Estate and Hoover Engineering Services, Inc.

Commissioner Cochran made a **MOTION** ratify the filing of legal action against the Estate of James Gutshall and Hoover Engineering Services, inc., **SECONDED** by Commissioner Anderson. The motion carried 3-0.

Mr. Fairchild inquired what the complaint was. Commissioner Cochran said that Mr. Gutshall while alive wanted to develop some property in the Township and came in and the property he was developing was within distance that the Township could have mandated that he run sewer to it. He asked the Township to defer that. We agreed to that deferral provided he stipulate the deferral on all the deeds he was going to sell. He agreed, Hoover Engineering agreed and then no one did it and the properties were sold and there is no stipulation on their deeds regarding sharing in the cost of the line. That cost would now fall back on Township taxpayers when it should have been born by Mr. Gutshall and now his estate. Vice President Cochran said it was a condition of the plan approval that all that happen. They did not fulfill their obligations. The engineering company was supposed to file a note on the plans also that they failed to do. Commissioner Cochran clarified that cost to run the sewer to them. Where those lots are located, they are close

enough that the Township could mandate sewer rather than on lot as the disposal. We intended to do that and Mr. Gutshall begged the Township not to. We worked out a deal with him where we would not mandate it at that time as long as he put it on the deeds that when it comes time to do it, those property owners would be responsible for a portion of the cost not for their hook up, but to run the sewer to their area. He did not follow through with his promise.

PARK AND RECREATION COMMITTEE

There was no report.

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

Mike Goetz, of 1117 McCormick Road

Mr. Goetz asked if there is anyway to find out the status of the final design plan for Generation's Park. He said he sees they are working over there pulling out fencing and such. As a neighbor and citizen, he would like to have input. Ms. Palmer said they are pulling out the white fencing that was put out to the public on Municibid. We have to get rid of it to start building the trails there. We did get a \$450,000 grant from the county to start building trails there. That is our next project at the park. Working on that this year into the beginning of next year. In order to do that and do some of the grading work that needs to be done, we had to pull out the fencing. We got a better payment from the vendor by pulling out the fencing.

Vice President Castranio said that our engineer is looking at the total engineering infrastructure design for the entire park. Mr. Goetz said that he does not want to come in too late in the process where the Township is ready to approve the final layout of all these trails and everything and not

have a chance to have some input. He asked for the best way to have input.

Mr. Reichard said that at some point, we could make a presentation before the Board and it is still a very preliminary phase of the layout. We are currently working with the concept plan and bring the engineering component into that. We are looking at the grading of the site, interconnections of roadways, parking lots and things of that nature to service the property. We are not quite at that point, but in the next few months. Or, it could be at a park and rec committee meeting, it may be more appropriate. Commissioner Cochran asked if it would be safe to say that we have taken the concept and now we are laying engineering on it to say how do we actually build it. That may mean we have to tweak a few things a little bit. In general, it is going to look as presented, that is the concept and where we are going, but we have state permits to get past. The last he heard is that we would not be doing any real work on trails until late fall and maybe not until next spring until we get everything permitted and we get the infrastructure in first. We cut an entrance in on Lisburn. The next step will be putting the infrastructure in assuming that the things overtop the infrastructure are going to look like they were proposed or how they had to be moved to make that structure work.

Mr. Goetz said he thinks it would be important for certainly as a neighbor, but also any citizen of the township, he would like to see them have some input into how these things are laid out. Mr. Fraser said that any of the major contracts will require advertisement, you will have to keep an eye on the agendas and look for those and that would be your time to put in input before it goes out to bid. Commissioner Cochran said that in his opinion is, that the concept is the concept, to come in six months from now and say we do not want trails, that is not going to work. We have laid out, this is the way we think it is going to look, it is going to encompass these types of things. They may get moved around slightly inside the park, but to say, just like suddenly we would not come in and say "oh, we changed our minds, it is going to be all baseball and soccer fields."

Mr. Goetz said he had no intention of coming in and saying we do not want any trails, that is what we want, but on the other hand on the recreation plan way back when, there was a chance as a draft for people to have comment publicly at these meetings. That is not going to happen for this, for a park development, is that correct? Commissioner Cochran said he does not expect us to have meetings to say now we are going to put this piece in and another meeting six months later, now we are going to put this piece in. Mr. Goetz said he was talking about the entire park plan. Commissioner Cochran said that in his mind, that is done. He does not know that we would be going back to reviewing that again. Mr. Goetz asked if that was the original plan that they presented? Commissioner Cochran said that is the concept, individual items within there may have to be moved or downsized or may have to be realigned. Mr. Goetz asked if they were interested in input, suggestions. Commissioner Cochran said we would always be interested in input, but I do not think we are going to change the concept of the park. That has already been ironed out. Commissioner Anderson said the only way would be if we see things in the community or in upper Allen Township changing their way, they are looking at certain things, then we may take a look and see if something becomes very popular like how eight years ago, pickle ball sprung on us and we were not quite aware of that. Commissioner Cochran said that is certainly a possibility, but not something he would be anxious to do, he is at the point where we have talked about it a lot and now, we need to produce something.

Commissioner Cochran made a **MOTION** to adjourn at 7:22 p.m., **SECONDED** by Commissioner Anderson. The motion carried unanimously.

There was no executive session.