

**MINUTES  
UPPER ALLEN TOWNSHIP  
BOARD OF COMMISSIONERS MEETING – 6:30 P.M.  
March 15, 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 (absent)

**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 Board of Commissioners 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. Commissioner Walter was absent.

**PRESIDENT’S ANNOUNCEMENTS**

President Martin shared that he received a letter from Jeff Palm, the Executive Director of the Mechanicsburg Chamber of Commerce thanked the Board of Commissioners for the sponsorship of the Halloween parade. He also received a thank you from Simpson Public Library Board of Trustees, for the \$22,000 donation to support the library.

**CONSIDERATION/APPROVAL OF MEETING MINUTES**

President Martin asked for any comments or corrections to the Minutes of the February 15, 2023, Board of Commissioners meeting. There were none and Commissioner Cochran made a **MOTION** to approve the Minutes of the February 15, 2023, Board of Commissioners meeting, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

**PRESIDENT’S RECOGNITION OF VISITORS**

There were no visitors registered to speak.

**CONSENT AGENDA**

Commissioner Cochran 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 \$939,617.87

## **PUBLIC SAFETY COMMITTEE**

### **RE-ORGANIZATION OF THE POLICE CIVIL SERVICE BOARD**

On February 27, 2023, Jerry Koons, chairman of the Police Civil Service Commission, advised that he was relinquishing his position after many years of dedicated service.

As a result of this development, I would respectfully request that the Board of Commissioners take action to name Matthew Witmer as the 2nd alternate member. Mr. Witmer is a township resident and serves with the Upper Allen Fire Department.

If approved, John Galski would become the chairman, James Adams would be secretary, Wendy Hess would be a sitting member and Leon Crone would be 1<sup>st</sup> alternate.

Commissioner Anderson made a **MOTION** that Matthew Witmer be named a 2nd alternate of the Police Civil Service Commission, **SECONDED** by Vice President Castranio. The motion carried unanimously.

## **FIRE DEPARTMENT**

Chief Shumberger shared that the Sportsman Show is March 25<sup>th</sup> starting at 9am.

He thanked the Upper Allen Women's Club for their care package donations of food and bottled water.

## **PLANNING AND ZONING COMMITTEE**

### **CONSIDERATION/ACTION FOR RE-APPROVAL OF MODWASH**

On March 16, 2022, the Board of Commissioners conditionally approved a land development plan for ModWash. The plan proposed the construction of a 4,464 square foot automate conveyor style car wash with vacuum facilities at the former PNC Bank site.

Per the conditional approval, the Applicant must satisfy all conditions and record the plan within 180 days of written approval or else the plan is deemed disapproved. The 180-day period expired on September 14, 2022. The Applicant requested reapproval of the plan via a letter dated October 7, 2022. On October 19, 2022, the Board of Commissioners tabled action, asking the Applicant to provide additional traffic information.

#### **Traffic Study**

The Applicant has provided an updated traffic study, studying the intersections of South Market Street (Route 114) and Kim Acres Drive/Bumble Bee Hollow Road, Kim Acres Drive and Aspen Drive, and Kim Acres Drive and the proposed site driveway.

Based on the analysis, there are no issues with queuing for the development site or at the studied intersections. There is one issue: the southbound right turn lane at Kim Acres Drive is operating at a LOS F during AM peak times. The recommended upgrade was to adjust the signal timing by

one second. Given the amount of traffic turning left from Bumble Bee Hollow Road onto South Market Street during AM weekday peak hours, this was not recommended. Furthermore, vehicular traffic can turn right on a red light at this intersection (from Kim Acres Drive), allowing for traffic to flow better than what appears on paper.

President Martin stated that the Board took action to table this in October of 2022. Commissioner Walter made a motion to table action on the ModWash plan until the applicant could provide an updated trip generation analysis providing AM peak hour trips, PM peak hour trips, Saturday and mid peak hour trips and weekday average daily trips. Transaction data from another ModWash site can be used for weekday and Saturday peak trip data. ITE estimates or transaction data can be used for PM peak hour trips. If the average daily traffic volume is 250 trips or more, a complete traffic impact report must be submitted in accordance with section 220-3.7.F of the Township subdivision land development ordinance. The full limit and depth of the study shall be determined by our traffic engineer, and he will have all the information made available for tonight's meeting while he is reviewing his criteria. It was seconded by Commissioner Cochran and passed unanimously. There was an anecdotal suggestion that they count if they are using ModWash Ones, that they count mature ones that have been in business three years or longer. President Martin said that the meeting tonight is to reapprove the plan. The burden of proof of the applicant is really to determine the impact of transportation from this business on the surrounding community and signalization.

Doug Hill, of Wooster and Associates

Mr. Hill stated that they performed the traffic impact study as requested by the Board of Commissioners. He said they conceded that they would generate more than 250 trips a day, so they went right into the traffic study portion. They met with Ms. Boyer and the Township's traffic consultant to go over the scope of the study. The study area was the intersections of Market Street with Kim Acres Drive, Kim Acres Drive with Aspen Drive and Kim Acres Drive with the site driveway. They performed the studies using the standard PA traffic study guidelines and the Township's guidelines. He said it involves performing traffic turning movement counts at each of the existing study intersections to identify an existing condition, then you project that condition out to an opening day and a design year. You use a growth rate that is established by PennDOT. Then you calculate trips for the site and add those trips to the traffic and identify the impact on the site trips. The trip generation was based on counts that were done at four existing ModWash sites – Coraopolis, Erie, Heritage and Washington. Data collected at those sites was compiled and calculated using the standard trip generation requirements. President Martin asked if the locations had been in business at least three years. Mr. Hill said he did not believe they were. Mr. Hill said when they do trip generation studies for a site to be mature, they typically say wait six months. Vice President Castranio asked if they found that their trip generation was more than the ITE manual suggested to use? Mr. Hill said that was correct. He also said that the sites that were studied, the counts were done in early April of 2022 on one of the first nice Saturdays of the year.

Mr. Hill said all movements in the study area operated at an acceptable level of service. They all operated a level D or better which is considered acceptable, except for one exception. That was a South Bound Right turn movement from Kim Acres Drive onto Market Street (heading right to turn towards Rt 15.) That movement in the morning peak hour showed it was below a D in the am peak hour and that is with existing conditions. He said that when they layer traffic on top of that, it is obviously still unacceptable. The delays increased a little bit because you are adding traffic to it, but it was still within the tolerance that PennDOT typically allows. We demonstrated in the

study that if you reallocate one second of green time from one phase to another phase, you could get the delay to be better than without development. It is still unacceptable, but without development. As part of the conditions that the Township proposed for the project it was recommended to amend the traffic study to identify what could be done to get it to a D, not just better than what it is without development but to a D and that would require probably a 3 to 4 second shift in green time. That was their amendment that they submitted this week. He mentioned that the level of service that is shown on paper in the existing condition is not consistent with what they saw in the field. We reviewed the video of the count itself and looked specifically at that south bound right turn movement. On paper, the analysis is showing it has a delay of almost two minutes per vehicle making that right turn, so that every right turn is waiting on average two minutes to make the right turn and we did not see that even close. The analysis methodologies that we are required to use as traffic engineers and the software packages we are required to use they are fantastic tools, but they are not flawless. He does not think it is accounting for the right turn on red that is occurring appropriately. He said that if it was him, he probably would not touch the times at the intersection to try to mitigate a result that is shown on paper that is not occurring in reality. The Township's consultant reviewed the traffic summary and concurred with the trip generation and results. President Martin asked Mr. Schwab if he concurred, and he said he did.

Erik Weenink, of 309 E. Meadow Drive

Mr. Weenink complimented the traffic engineer with how well the report was written. He said it was very clear for a non-traffic engineer. He is concerned that there are two comparisons, one is the 2024 peak and the other is the 2029 forecasted growth. It is based on the average for Cumberland County of 0.59% growth rate and he does not agree with using that number for this area. There is a lot more growth happening in this area. His biggest concern with the study is that he does not see taking into account the development that is taking place on Old Gettysburg Pike, the combination of 7-Eleven, Burger King and Chick-fil-A and he is concerned that it underestimates the traffic. He wonders if the traffic loop signals will be changed at the Market/Gettysburg Pike Intersection with the realignment of the traffic flow and the added lanes. The traffic signals that were used in this study on page 93 is to closed loop signal plan that is from August of 2016. He said there might be a disconnect in terms of the flow through. He asked if there are any results that seem low to the Board of Commissioners.

President Martin asked if we knew if we had a closed loop signal planned and is that something that will continue? Mr. Schwab with TRG (Transportation Resource Group), 2 E. Market Street, said it was in the study. The closed system Mr. Weenink is referring to is the coordination. All the signals on Market Street are coordinated. Currently, that is what they are, so from at this intersection Bumble Bee and Kim Acres, both ramps, Gettysburg Pike and then down to the school driveway, those are all coordinated on Market Street to have traffic flow and progression. This will be in place until it is changed. Every time the Township or PennDOT retimes it, that would get changed. Until something happened, this would be in effect.

Commissioner Cochran asked about the Green Light-Go project. Mr. Fraser said that the studies will be done this year with some of the retiming happening at the fourth quarter. TRG will be heading that. Mr. Schwab said that the traffic counts will be done soon for this intersection and all the intersections and then they would adjust it. This signal timing for the corridor will be adjusted as part of the Township project this year into next. When that happens, all the development that is in, so if 7-Eleven, Chick-fil-A, Burger King, if that is open and traffic is in there, that will be taken into account when the timings are updated. That is why you have to do

these every two to three years because development does happen.

President Martin said that we have received Green Light-Go funding and that is going to give us the opportunity to coordinate and study all the signalization from Bowmansdale to the Borough. He said that Mr. Weenink brought up a good concern that this is not an isolated tract of the Township. The whole Township is changing and growing, and we have schools that we did not used to have. President Martin said that he thinks this endeavor that is in place, independent of this project, will give us an opportunity to address what you point out specifically. We have to figure all intersections.

Mr. Weenink asked about the growth using .6%. Mr. Schwab said that PennDOT suggests the growth rate. They take traffic counts all over the place. They have historic numbers, and they are on their website. They take that into account to establish a growth rate. Over the past ten to 15 years, growth has actually been going down as far as volumes and that is based on actual numbers. Ten to 15 years ago, these growths were 3% and when you put something out, we go five to two years at 3% per year, that is 35% growth, so we would say, this intersection would be amazingly higher. So, when you go five years at a .6%, you are talking a little over 3% growth for this study. Mr. Weenink said his concern is the issue of the law of averages. He agrees with the .6% average for the county, however, we know that specifically in this area, with the construction of Chick-fil-A and the 7-Eleven, there is a significant increase that is going to go well beyond the .6%, so this study suggested in five years' time there will be an additional 12 movements in the morning, 24 in the evening and 18 on Saturday. He suggested that it should consider the additional construction taking place on Old Gettysburg Pike and it is going to be significantly higher. This might impact your LOS for Kim Acres turning onto Market Street.

President Martin said he is assuming that, that factor that you identify will be considered when they do the Green Light-Go. Mr. Schwab said that it depends on when the count is done. What is developed? If we wait until something is open, then that is included in it. That is where these projections are just projections at this point. He said that Chick-fil-A, Burger King and 7-Eleven, a majority of that traffic will be pass-by traffic. Meaning a lot of that traffic is on the road. Most people do not go to a convenience store from their house and come back. That is usually a trip anyway. A lot of the traffic is on Market Street. That is why you cannot just say it is going to generate a lot of traffic. It will generate a lot of traffic at Gettysburg and Market, but at Kim Acres and Market, how much will that impact? It will be some, but not as much. They go with the PennDOT growth rate and if there is traffic in the immediate area. So, if there was a development right on the corner and we knew that development was in, we would add that to this intersection, but that is more off-site so that is why it was not included.

Commissioner Cochran said that because we cannot stop growth, this is something we should be doing every two to three years. Mr. Schwab said that PennDOT recommends timing changes every two to three years at traffic signals. Commissioner Cochran said it is kind of a cart and a horse, it would be nice if we knew for sure what the traffic is going to be, but we don't so we make our best educated guess, but then we have to come back in two or three years and say ok, here it is what it really turned out to be, what do we think it is going to be two to three years down the road again. We just have to keep going. Mr. Schwab said you time it based on the volumes that are there. Over the past three years since COVID, a lot of people work at home and there are counts that have dropped at intersections. Traffic does not always grow. That is why you have to do the actual counts every two the three years.

Rob Staiger, of 796 Cottage Brook Lane

Mr. Rob Staiger asked that this stage of application, in the reapproval process, is it customary not to have the planning commission review the application since you required a new traffic study. The reason he asks is that he finds it very confusing and if the planning commission was just more apt to understand everything. Ms. Boyer said that at this stage, we brought it back to the Board for the traffic study component. They could have the discretion to put it back to Planning Commission, but they have already reviewed the plan and there have been no changes. With the results of the traffic study, we did not make the recommendation to go back to Planning Commission because the results are minimal in terms of the outcome of any deficiencies on the intersection. Mr. Rob Staiger asked if Ms. Boyer felt the change in the traffic study was insignificant from the first traffic study. Ms. Boyer said no, what she is saying is that the results of it show that it is warranting at best a one second timing change on the intersection and that would really come down to whether the Board of Commissioners would want to adjust that signal timing.

President Martin said that in terms of process, the Planning Commission is advisory to the Board of Commissioners and for that reason, because the new information just dealt with traffic, we chose not to go back to planning committee.

Commissioner Cochran said that for clarity, the Planning Commission is volunteer and there is no requirement that they have any engineering or planning background. It is another set of eyes, but they do not necessarily have more knowledge.

Mr. Rob Staiger said he reached out to other people to understand the study. He said they thought the study was much better than the original study, they did find a couple questionable things. The study showed to allow Kim Acre Drive to adjust the light timing, but you shared that you are going to do a complete traffic study. Vice President Cochran asked who he was referring to. Mr. Rob Staiger said other people in the community, other engineers, that due to other projects going on, they did not want to have their names mentioned because they have other projects going on in the area with other people. Another concern was they felt the distance from the exit of the carwash to the traffic light was very short and narrow and that it would cause stacking problems. He is concerned of the impact from 7-Eleven, Burger King and Chick-fil-A.

Mr. Rob Staiger asked if the Township anticipated when everything is established and we have the traffic studies and we know where the cars are going, that when GPS catches up that we will see a change in turnpike habits? Right now, people get off the turnpike and going south, they might get off at the Cumberland Parkway exit to gas up at the Sheets or get a burger at Wendy's or Arby's and due to time travel and GPS update, if he was traveling, he would choose to go down to the Bowmansdale exit because on and off is quicker and more convenient. He would not count out the drive-by traffic. Cumberland Parkway is easy to get off, but hard to get back on.

Mr. Rob Staiger wants to know how this new traffic on 114 from Gettysburg Road into Lisburn is going to affect the on and off ramps on 15. If you go to Lower Allen Township, there is a huge influx of businesses. The 15 south bound lane is backing up from the Lower Allen Drive all the way to 581. It happens any time. If we have to update all these roads, whose dime is that on?

Mr. Rob Staiger said they did do their washes and stuff, but he thinks these new washing, as far as

their maturity and stuff, they will not begin to get mature until three years. They get their memberships up and they get their drive through. Yes, there will be an initial increase for the novelty, then it will back down, then they will continue to grow for the next three to five years because they need the volume. They are built for volume. They are very well managed. Mr. Rob Staiger said he Mr. Hill did say they counted their cars on one of the best Saturdays of 2023 in January. Just to note, in the month of March, the industry is down 22%, year to date is down 11% that is nationally. He thinks it is down more in the northeast because of the weather we have been having.

He asked if anyone observed the new wash in Lemoyne and observed the traffic issues it is creating on 3<sup>rd</sup> Street, listened to the neighbors and their complaints or asked the Lemoyne Council if they regret their decision. Were the tax dollars worth it in the end?

Commissioner Cochran said he has been to Lemoyne and that it was a high traffic corner to begin with. There is a new one on Carlisle Pike, Lower Allen is reviewing plans to do two, he has to believe that some of these will not make it. He said that is the American way and you are allowed to fail if you want to.

Mr. Staiger said the industry has been looking at the Central Pennsylvania area for years and claiming that we are a highly unutilized market. They are to be the puppy mills of carwashes. He thinks we should deny this or at the very least push the answer off until we get answers to all these questions we brought up.

President Martin asked him on what basis. Mr. Staiger said he does not think we can handle the traffic. He does not think we have proven that we can handle the traffic – that is his main concern. He does not think the company will fail and thinks they will drive the cars. He does not believe with everything being built here along the 114 corridor that it is going to work. With 114 being a state road, the same thing that is happening in Lower Allen, they are demanding PennDOT traffic studies. If we cannot deny it, he thinks PennDOT should come in and see what is going on and make them do the study. President Martin said he did some research, but it is his understanding that the traffic study that was submitted is acceptable to PennDOT. Mr. Schwab said it was not submitted to PennDOT and they only require studies when there is access to a state road. Since the access is to Kim Acres, it is not required. Mr. Staiger said that is quite the technicality, but that is ok. He said it will impact the state roads and 15.

Vice President Castranio said the state will be reviewing our Green Light-Go corridor study. PennDOT will review the timing from all of 114 from Mechanicsburg to Bowmansdale. Mr. Staiger said some of this stuff is speculation and you can only guess, but once the horse is out, you cannot close the door. President Martin said we were reminded tonight that best practices are to do a traffic study every two to three years so you can keep up with the changes that are in the community.

Commissioner Anderson shared that the Washington location that was referred to, is not too far from what we see along the highways here. Erie is a lot more.

Ms. Boyer said there is a fee in lieu of sidewalks.

Scott Staiger, of 400 N. Front Street, Wormleysburg

Mr. Scott Staiger said he has been acting as his brother Rob's advisor for 30 years and he understands the carwash industry. He said that it takes two to three years to come up to full traffic count numbers. Counting only one day is nothing. With computer systems that are out there, they can give you an accurate count by hour, every hour, every day that they are open. The problem is, one was only open for eight months and another one only for nine months. It takes two to three years to come up to full traffic count numbers. Most business for carwashes is in the winter months.

Mr. Scott Staiger said this can be submitted to PennDOT. They will do a courtesy study. The problem is there are no standards for this type of wash. They are banking on MS4 saying you are no longer allowed to wash your car in your driveway. President Martin said we are already not allowed. Mr. Scott Staiger said that if the Township starts enforcing it, you would be forced to go to the carwash. He said you have it, but it is not being enforced. President Martin said that is a strong claim and that we have given people notices and reminded people in our newsletters. Commissioner Cochran stated that for clarity, you can wash your car in your driveway, as long as the water rolls to the grass.

Mr. Scott Staiger said he did not see an interior design for tracking the ability for the stacking coming out of the wash and going into the wash for stacking aspect, if on a busy day, this wash is designed to do 110 cars an hour. That is one every 30 seconds coming off the line. If something goes wrong or it stacks up. Vice President Castranio said they have employees that will be there 24/7 and they have the opportunity to change the speed of the track and do the traffic if there is an issue, they will handle it.

Commissioner Cochran has heard that the Township is doing this for real estate taxes, we are doing it because it meets all the legal requirements. The amount of tax revenue will probably not cover the expenses to maintain the infrastructure for it. We end up in most cases in a net position. Unless we get big box stores, but we do not have the space for those.

President Martin appreciates the input and concerns, but the point is that we have to abide by our own rules and ordinances. When an applicant does that and meets the requirements of our own municipality, we cannot turn it down or we are opening ourselves up to foul ball. He believes we have heard and advised that in terms of the traffic study itself, but asked if there was anything from an investigatory criterion, Mr. Schwab, that you feel is faulty or deficient.

Vice President Castranio said that in the Township ordinance, we say if you have an F on the traffic study, you have to make it a D. Is that correct? Mr. Schwab said that is in the ordinance. They said they are not going to do it. Although we all agree that it is not really happening, they saw videos and the cars do not wait there two minutes, he does see that. Wouldn't they need a waiver for that or is it in the ordinance. Mr. Schwab says the study shall identify specific improvements that would restore the local service rating of D or better. So, it says "specifies improvements." Vice President Castranio said, specifies, but you do not have to do them.

Commissioner Cochran asked what the cost was for a traffic count. He said we know it is at an F we know they are going to make it a worse F, we know that Green Light-Go is going to consider some retiming, but we are probably going to have to retime again within a couple years after that. Mr. Schwab said to do a day count and a Saturday count, \$1000, if you use a traffic firm. President Martin asked what it takes to re-adjust or calibrate the signal. Mr. Schwab said that for engineering



and permit changes it is probably \$2,500 to do a count, the change, the signal permitting, everything. Commissioner Cochran asked if the developer would be willing to contribute to a traffic count for us once this is up and running.

President Martin said he thinks it is clear we are going to have to do traffic counts more often and that this is going to contribute to that fact. We will have Green Light-Go up and running before this is done. President Martin asked when they anticipated having it open. Commissioner Cochran said we will do a traffic count and ModWash will open and add to that count almost immediately. President Martin said as a requirement, they could have to adjust the timing of the signal now, but rather than have them adjust it now and then in a year, he would be willing to think about if they would be willing to forego doing the adjustment now, but contribute toward the comprehensive plan that we are doing in the Township, then we do that signal once.

Alejandro Quintana, of 736 Cherry Street, Chattanooga, TN

Mr. Quintana is with Hutton Development. He believes in the letter he was sent, it mentioned contributing to the Green Light-Go project. He said they would be willing to. We were just not sure how much you wanted us to contribute to it. We have discussed and we will contribute to it in our immediate area. President Martin said you could, given the level of service at this intersection now, have to do some modifications anyway, just to get it up to the standards. If you would cooperate with our overall comprehensive study and recalibration, you would spend money once and have a greater good to the citizenry because it would improve the entire corridor. Mr. Quintana asked when they would want to do it. Commissioner Cochran said if there was money Hutton Development wanted to add to the Green Light-Go, then that is less we have to spend there and we can spend it later. Rather than make you wait until later. We can come up with a number that works for everybody and just do it that way. Mr. Quintana said he is fine with that.

President Martin asked Mr. Feinour if there was anything from a legal perspective that he would caution the Township on or think that we have overlooked. Mr. Feinour said no and that he was ok with the caveat.

Bill Stanton, of 1781 Winterhaven Drive

Mr. Stanton asked if the traffic study could bring the intersection up to a D. They can advise you to what improvements you need. At that point in time the township would have to cover the cost of that. What do we have to do to take that zoning law, modify it that if there is any indication that improvement needs to be done, they have to pick up that cost. Commissioner Cochran said the issue here is that Kim Acres currently already has three lanes and a light, so there would not be a widening needed and we already have a light. That takes the expensive things out of the equation. It is probably going to be a timing issue. Mr. Stanton said that as time goes on, another intersection comes up and we have this issue, not at this intersection because it is grandfathered in. President Martins said that Mr. Stanton was saying we have a similar situation come up elsewhere in five years, what can we do. Commissioner Cochran said that we do that now, we do not need to adjust anything. If we can prove what is going to meet the warrant issued by the state. You cannot just get a signal because you think you need it, you have to meet state requirements. If we can prove that it is going to meet a warrant from the state, then we can go after the developer to pay for that signal. A good example is along Market Street, when Allen Distribution came in. They had to pay for the signal at their entrance and they also had to pay for the signal at Winding Hill because they made that a failing signal too. Cumberland Parkway could survive them, but there was no signal at Winding Hill, so that developer paid for those two traffic lights. For better or worse, the

Township has to maintain them. That is our expense forever to keep them up and running, but they pay for the installation. The Township is waiting right now for Landmark to come through. They promised a signal at their entrance which they have not followed through with at Legacy Park. The main entrance is supposed to have a signal and instead they have been pushing traffic back through the borough and back through Upper Allen Township in residential areas. We are working to try to get that signal put in.

President Martin said that Mr. Stanton's point is well taken. When a condition changes because of a residential or commercial development, you are advocating that if improvements are needed, either to the roadway or signalization, that the causing agent should help contribute to that and we agree with you totally. Mr. Stanton asked if we had a policy whereby, we review the ordinances and zoning laws. Ms. Boyer said that we are constantly reviewing. We did a comprehensive update in 2017 in the zoning and 2019 in the SALDO. Vice President Castranio shared that earlier tonight we had a hearing for updates. Ms. Boyer said that later this year we will be updating our flood plain ordinance because FEMA pushed out new flood maps. We are looking at updates to signage regulations. We just updated our stormwater ordinance last month. We update everything, not just zoning.

Mr. Scott Staiger said he did not see in the traffic study where it is pushing traffic down Kim Acres Drive to get to Rt 15. Is it possible if you are entering into a developer's agreement to set money aside for traffic calming along Kim Acres, raised intersections, special crosswalk painting should be included in your approval at the cost of the developer or if it is evaluated up to two years after. If you the Board think that the developer should have to bear that cost.

Commissioner Anderson asked Mr. Feinour if we would put something together, asking to request a certain amount from the developer, could we put it in with the motions or how would we do that. Mr. Feinour said that the Board could put in a condition that there be a contribution under a condition subsequent to negotiate between the developer and the Township, but not to exceed figure. A reasonable contribution.

President Martin said that if it were a condition of the plan, then it would have to be met and paid before recording the plan. Commissioner Cochran said that if it is a condition, it is already taken care of.

President Martin said we have ten conditions on the plan so this would be the 11<sup>th</sup>. Mr. Boyer said you could remove condition number one which talks about the amendment that you received regarding bringing the LOS up to a D or better and the agreement of any contribution of improvements. Either that one could be amended, or you could strike number one from the record.

Vice President Castranio asked for a copy of the letter that referenced Green Light-Go from Ms. Boyer. Ms. Boyer said we could reference the Green Light-Go project specifically, could we not or just say that the applicant and the Township agree and will enter into a reasonable contribution in lieu of traffic improvements. She deferred to Mr. Feinour for specific language. He said not to tie it to the Green Light-Go Grant just in case something happened to that grant. Ms. Boyer suggested dedicated signal improvements to the intersection. Mr. Feinour said yes. It would go into a dedicated account.

President Martin asked if "the developer shall enter into an agreement to make a reasonable

contribution to the pending traffic signal improvement initiative' would be ok. Mr. Feinour said he was comfortable with that.

President Martin wanted to know if there was a way to address conditions in the surrounding neighborhood after the business is open and mature. Is there a way to go back and restudy that or is that something also that we would want to have a pending escrow amount held to improve that? Could we do it a similar way? Mr. Fraser said that there are two studies. President Martin asked if we needed to reference both of those or by discussion and assumption, we are already holding a reasonable amount for the traffic signal improvement which would include understood both those sights. Mr. Feinour said that was correct. President Martin asked Mr. Quintano if he understood the intent of the proposed conditions. Mr. Quintano asked him to review. President Martin said that they are looking at the signalization at Market Street and Kim Acres Drive and then also the corridor of Kim Acres Drive from Market Street to Mt. Allen Drive, that connector residential street. If there is an obvious increase in traffic because of your improvement, that there would be some attention given to traffic calming or line striping to help the traffic. What we are suggesting is that both of those conditions be examined and that it would be a condition of the plan and something you would have to agree to prior to recording the plan. It would be something like "the developer shall enter into an agreement to make a reasonable contribution to the pending traffic signal and safety improvement initiative. He asked Mr. Quintano if that were something he would accept. Mr. Quintano said that as long as our legal counsels could get together. President Martin said it would be a condition of recording the plan so that gives you some time to work it out with your legal counsel and make sure that it is a reasonable contribution, and the Township has protection, and we know this issue is going to be addressed before the plan is recorded should it pass. Mr. Quintano said he would agree to that.

Commissioner Anderson made a **MOTION** to approve the waiver request for section 220-5.3 B to install sidewalks along South Market Street. The applicant has submitted a fee in lieu of the accordance with section 220-5.3 B (8), **SECONDED** by Vice President Castranio. The motion carried unanimously.

Commissioner Anderson made a **MOTION** to approve the deferral request for section 220-5.3 A to install curbing along South Market Street. No curbs exist along this area of South Market Street and PennDOT does not recommend curbing be installed at this time. The deferment shall be placed until the time the Township deems the improvement necessary, **SECONDED** by Vice President Castranio. The motion carried unanimously.

Commissioner Anderson made a **MOTION** to approve the preliminary final land development plan for ModWash Upper Allen File No 21-11-29 with the following conditions the developer shall enter into an agreement to make a reasonable contribution to the pending improvement traffic signal and safety, since there are conditions on the approval of this plan the plan will be rejected unless the owner applicant agrees in writing within 30 days to comply with and abide by specific conditions of approval, **SECONDED** by Vice President Castranio. The motion carried unanimously.

List of Conditions

1. The Applicant has obtained approval of the planning module for new land development or approval of an exemption from the planning requirements from the Township and PA DEP in accordance with the requirements of Section 220-5.7.A of the Codified Ordinances. All applicable application and tapping fees must be paid, in accordance with the requirements of Section 200-15.D(8) of the Codified Ordinances of the Township.
2. This project is situated in the Spring Run Special Sewer District within the Township (Ordinance 741, Chapter 200, Article XI) having an additional cost per EDU, in addition to the current tapping fee per EDU. The applicant shall pay a total tapping fee amount before recording the plan.
3. The Applicant must enter into a Reservation of Capacity (ROC) Agreement with the Township and pay the appropriate ROC fees, or, pay tapping fees for the number of approved EDUs.
4. The Applicant must enter into a Sewer Extension Agreement with the Township and furnish the required \$1,000.00 escrow for plan and legal review costs, provide plats and legal descriptions for sanitary sewers to be located outside of the public rights-of-way, furnish the required escrow amount for inspection and related costs, and provide appropriate installation financial security for the sanitary sewers.
5. The Applicant shall enter into a Stormwater Best Management Practices Maintenance Operation and Maintenance Agreement and provide a recorded Operations and Maintenance Plan with the Township and pay all applicable fees, in accordance with Section 214-20.E of the Codified Ordinances of the Township.
6. The Applicant shall also comply with all fees, taxes, utility rentals, building, police or fire codes, ordinances, resolutions, and regulations as may be in effect from time to time concerning the proposed development.
7. The Applicant shall pay such fees as are charged from time to time by Upper Allen Township for other further reviews or permits as may be required concerning the proposed development.
8. The Applicant must satisfy all conditions on the approval of the plan and the plan must be recorded within 180 days from the date of written conditional approval by the Board of Commissioners or the plan will be considered disapproved.
9. Upon approval of the final plan and prior to obtaining the county signature for final plan recording, the Applicant shall provide a CD to the County planning Office and the Township that includes a .dwg AutoCAD file that includes one drawing of all the lots on the plan, in accordance with Section 220-3.6.A.(14) of the Codified Ordinances of Upper Allen Township. The data shall include all tract and parcel boundaries, lot lines of all lots on the plan, building footprints, street rights-of-way (public and private), curbs, sidewalks, storm sewer infrastructure, sanitary sewer infrastructure, edge of pavement, hydrants, all utility or other easements (public and private), and any other data as required by the township and the county. The file shall be with a spatial projection of PA State Plan projections, PA South Zone (3702), MAD83 horizontal datum, NAVD88 vertical datum.

Units shall be in US survey foot. A digital copy of the final plan in PDF shall also be submitted.

10. The Applicant shall enter into an Agreement with the Township to make a reasonable contribution for the pending traffic signal and safety improvement initiatives at the intersection of Kim Acres Drive/South Market Street/Bumble Bee Hollow Road. The Agreement shall also include provisions for conducting additional traffic studies and any necessary traffic calming improvements to Kim Acres Drive between Mt. Allen Drive and South Market Street as a result of increased traffic to the ModWash site, as discussed at the March 15, 2023 Board of Commissioners' meeting.

Since there are conditions on the approval of this plan, the plan will be rejected unless the owner/applicant agrees, in writing, within thirty (30) days, to comply with and abide by the specific conditions of approval.

President Martin said that something significant happened tonight. He thinks it is important that local government demonstrated tonight that we had concerns, we had different views, but hopefully we listened to one another and came up with an acceptable compromise. He thanked everybody for their attendance.

### **CONSIDERATION TO ADOPT AN ORDINANCE AMENDING CHAPTERS 220 AND 245**

The Township contracted with General Code in July of 2021 to begin the review and revision of the 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.

Since there are several amendments to Chapter 220 (Subdivision Land Development) and Chapter 245 (Zoning), a public hearing was required.

#### **TOWNSHIP PLANNING COMMISSION REVIEW**

The Planning Commission reviewed the amendments on January 30, 2023, and recommended approval of the amendments, as presented.

#### **CUMBERLAND COUNTY PLANNING COMMISSION REVIEW**

The Cumberland County Planning Commission reviewed the amendments on February 10, 2023, and recommend approval of the amendments, as presented.

#### **PUBLIC HEARING**

Per section 609 of the Pennsylvania MPC, only one public hearing is required unless substantial changes are made to the request. The MPC also states that action must be taken within 90 days following the close of the public hearing.

The public hearing is to be held on March 15, 2023, at 6:15 p.m. Following the close of the public hearing and if no substantial changes are to be made, the Board of commissioners may consider adopting the ordinance during its regularly scheduled meeting.

Commissioner Anderson made a **MOTION** to approve Ordinance #823 to amend Chapter 220 (Subdivision and Land Development), Section 220-2.1. (Definitions; word usage) and Section 220-6.8 (Fees and permits); and Chapter 245 (Zoning Ordinance), Section 245-1.8 (Disclaimer); Section 245-2.1. (Word usage and definitions); Section 245-14.32. (Keeping of animals and animal structures); Section 245-14.16.3. (Keeping of chickens and poultry); Section of 245-14.34 (Keeping of exotic wildlife); Section 245-16.3 (Specific requirements for accessory structures, buildings and uses); Sections 245-19.9. (Zoning Hearing Board); Section 245-19.11. (Jurisdiction); Section 245-19.19.19. (Enactment of zoning ordinance amendments); and Section 245-19.25. (Enforcement remedies). This ordinance shall take effect immediately, **SECONDED** by Commissioner Castranio. The motion passed unanimously.

Phil Walsh, of 443 McCormick Road

Mr. Walsh said there was a reference to accessory structures, keeping of animals, chickens and poultry, and there was a fourth he did not catch. Vice President Castranio said there was nothing monumental tonight. In three of the ordinances about chickens, we just changed the word “nutrient management act” to “nutrient management and odor management act”, there was nothing about how many chickens. Mr. Walsh asked if there was anything that would prohibit him from continuing to board horses. Ms. Boyer said no.

## **PUBLIC IMPROVEMENTS COMMITTEE**

### **AUTHORIZATION TO BID 2023 ROAD PROJECTS**

The Approved 2023 Upper Allen Township Budget contains \$1,350,000 in the Permanent Improvement and Liquid Fuels Funds for the 2023 Road Paving Project. Additional funding is included from the Park Improvement Fund, 2021 GO Bond Fund, Sewer Reserve Fund, and Stormwater Authority Fund for various paving and repair projects. Total estimated construction costs related to the Permanent Improvement Fund and Liquid Fuels Fund is \$1,448,349 with another \$910,650 estimated costs being associated with the other listed funds.

Commissioner Castranio made a **MOTION** to authorize the appropriate Township Staff to advertise the 2023 Road Paving Project, **SECONDED** by Commissioner Cochran. The motion passed unanimously.

Commissioner Cochran asked Jason about the current road improvement plan that we have on our website. It is from 2020. Mr. Reichard said we update that internally on an annual basis. We traditionally will do a full update on a 5-year interval. He talked to the Township Manager, and we decided it might be best to update that around this time of year as we are approving the upcoming project and the last year of projects conclude. It will be annual going forward.

### **RESOLUTION TO DELETE SECTIONS OF THE PENNDOT PUBLICATION 408 THAT LIMIT THE USE OF THE BITUMINOUS PRICE ADJUSTMENT FOR**

## **PROJECTS WITH MORE THAN 100 LIQUID TONS OF ASPHALT**

Our road paving contracts include a PennDOT provision for an escalator clause for bituminous material. An escalator clause allows pricing for asphalt materials to adjust up or down depending on market value. Municipalities typically receive more competitive bids from the asphalt industry using the escalator clause since providers do not feel locked in at a flat unit price on material that won't be used for several months. The clause does not take effect until 100 liquid tons of asphalt are used.

One of our local preservation treatment contractors informed us that financial savings are associated with including an escalator clause for their work that typically uses less than the 100 liquid tons of asphalt threshold. We contacted our PennDOT municipal services representatives and found they also recommend including the clause for this type of work. As such, we need to pass a resolution to delete sections of the PennDOT Publication 408 that limit the use of the bituminous price adjustment for projects with more than 100 liquid tons of asphalt.

Mr. Reichard said that our contract specifications referenced the PennDOT 408 for bituminous paving standards. It includes an escalator clause provision which allows for a price adjustment based on liquid tons of asphalt used on a project. It limits the application of the escalator clause to 100 liquid tons on a given project. In 2022, we bid the project with an escalator or index price of \$657 per liquid ton and in the period the pavement was applied, the price had gone up to \$789. On our primary contract, it is usually not an issue because the escalator automatically applies. Those are numbers that we calculate when we are approving the applications for payment. You never really even see that. Recently some of the smaller contractors that are doing our preservation contracts reached out and asked us to waive that limitation because they inherently take on a risk by placing a bid in March that may not be acted on until August. So, they artificially increase their bid to account for the potential of an increase that may not happen. Currently, the index is at \$603 so we are already seeing that we are starting at a lower point this year than we have in the past. It may or may not climb to the same level we saw last year. These contractors are probably going to base it on last year's figures. This is a provision that as required by Municipal Services for use of PennDOT liquid fuels money. If we want to waive the requirement, we simply have to take formal action by passing a resolution to delete the references that limit it to 100 liquid tons. It potentially could save us \$5,000 or more or it may not save anything. It makes it an even playing field for bidders.

Commissioner Castranio made a **MOTION** to pass Resolution 1081 to delete sections of the PennDOT Publication 408 that limit the use of the bituminous price adjustment for projects with more than 100 liquid tons of asphalt, **SECONDED** by Commissioner Cochran. The motion passed unanimously.

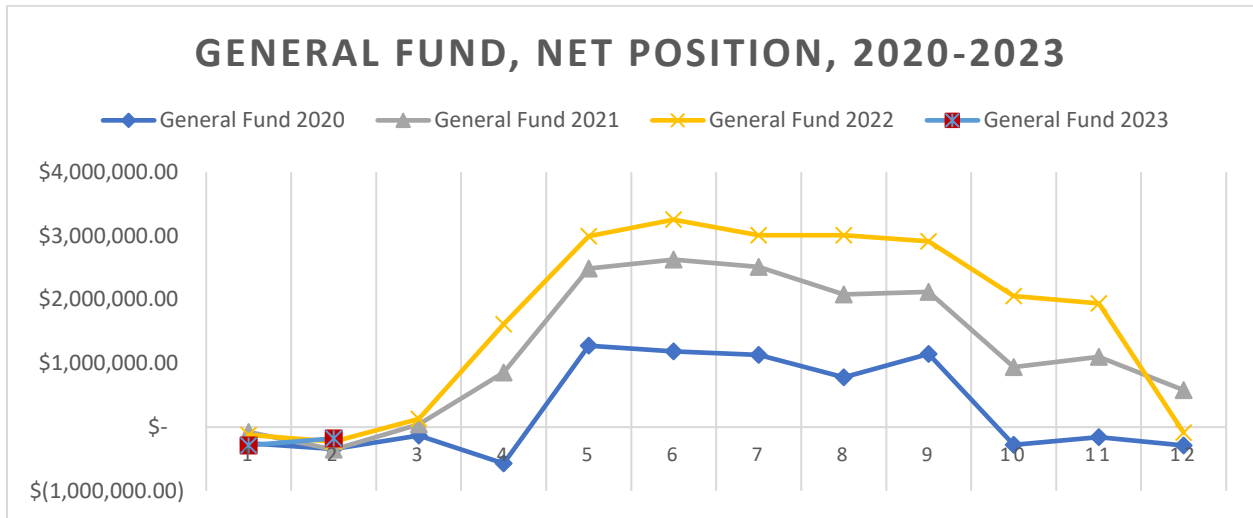
### **SANITARY SEWER SYSTEM**

There were no items for discussion.

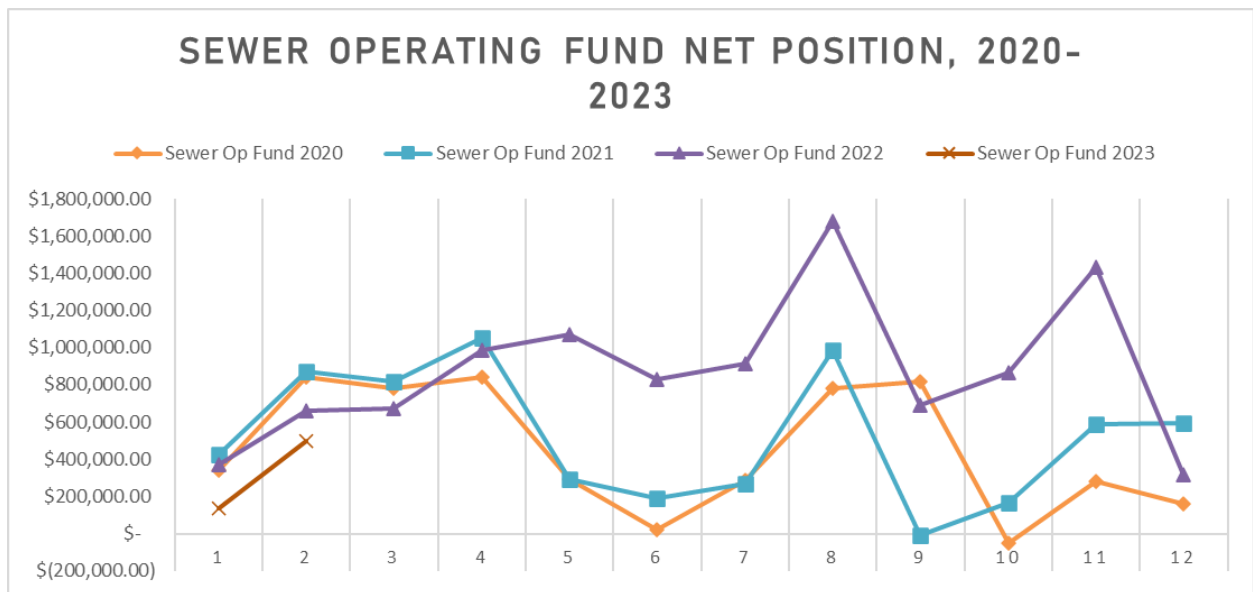
### **ADMINISTRATION COMMITTEE**

#### **BUDGET UPDATE**

The information presented in this report is based on historical numbers generated in 2020, 2021, 2022 and year to date 2023. This report focuses on the two main operating funds (General and Sewer Operating).



In the second month of 2023, General Fund Expenditures (all expenditures plus transfers) of \$792K exceed General Fund Revenues of \$616K by \$176K. February has historically been a negative net position month as the Township waits for real estate tax revenues. Most of the revenue collected in February was related to prior year earned income taxes and cable franchise payments. The majority of expenses in February are related to payroll and insurance payments.



The Sewer Operating Fund is currently in a net surplus position at this early part of the year in the amount of \$498K. This will fluctuate throughout the year during lulls in sewer rental collections and large debt service payment periods. A small dip is expected in March.



After February 2023, 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.

Commissioner Cochran asked about the cable franchise payment. He asked if we audit that when we negotiate it. Mr. Feinour said that the Cohen Law Group audits it periodically and usually it is with renewal. Commissioner Cochran said he thinks our contract mandated a service coverage for Verizon, is that accurate? Do we know if they ever got the coverage, they promised us they would? Mr. Fraser will look into it. Commissioner Cochran said he thinks it makes sense as new developments go in that they put in the fiber optics.

Commissioner Cochran said that with sewer and stormwater, you are paying in advance and one in arrears. Maybe you Ms. Palmer and Mr. Fraser could talk about how we get those on the same footing. Commissioner Cochran says we probably take a hit on revenue for a quarter or maybe we spread it over three quarters so that eventually we get them aligned, but it makes the bill hard to understand when someone looks at it. For instance, we lowered the sewer bill, but they got the bill, and it was not down. That is because you are paying in arrears, so you are paying for last quarter, but they only read the stormwater that said they were paying for the first quarter. If we could figure out if there is some way, it would not put a financial strain on the Township.

#### **CONSIDERATION/ADOPTION OF THE CODE ADOPTION ORDINANCE, AND AUTHORIZATION TO ADVERTISE NOTICE OF ADOPTION OF CODE.**

The Township contracted with General Code in July of 2021 to review and revise the Upper Allen Township Code, which had not been done in over 20 years. General Code conducted a front to back editorial and legal analysis of the code to identify conflicts, redundancies, and inconsistencies, and submitted their recommendations to the Township for consideration. Staff and the Solicitor reviewed the recommendations and provided their input regarding the changes.

General Code subsequently provided a draft of the proposed code for final review and approval by the Solicitor. At their February 1, 2023, meeting, the Board of Commissions authorized the Solicitor to advertise the Proposed Code Adoption Ordinances and Notice of Introduction of Proposed Code Adoption Ordinance, and proof of publication is on file in the Township Office.

Commissioner Cochran made a **MOTION** to adopt Ordinance NO. 824 , an Ordinance to Approve, Adopt and Enact an Ordinance Codification for the Township of Upper Allen, County of Cumberland, Commonwealth of Pennsylvania; to provide for the Repeal of certain Legislation not included therein; to Save from Repeal certain other Legislation not included therein; and to Provide Penalties for Tampering with the Code; and to authorize the Solicitor to advertise the Notice of Adoption of Code after the new legislation has been adopted, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

#### **PARK AND RECREATION COMMITTEE**

Staff are applying for the 2023 DCNR Grant round of Funding. We plan to pursue \$250,000 in funding to expand upon the currently planned trail project at Generations Park. We would match this grant amount. On a map that was shown, the area in red represented the work that will be done pursuant to the ARPA Grant we received from Cumberland County. The area highlighted in

green represents the trail expansion we plan to complete with the DCNR money.

Staff believes that establishing a paved trail around the perimeter of the park while concurrently working on engineering and infrastructure plans will maximize the park's use and cost efficiency at this time.

The grant is due April 5, 2023, and we can expect to hear back on whether the grant will be awarded in the fall. The timeline for both trail projects to go out to bid and begin would be early Spring 2024.

We would hear back in November or December if we received the grant.

Commissioner Cochran made a **MOTION** to adopt resolution #1082 and give authorization to the proper Township Staff to sign the DCNR grant application, **SECONDED** by Vice President Castranio. The motion carried unanimously.

Ms. Palmer said that there is a Park and Rec meeting here at the Township Building next Wednesday at 6:30 p.m.

Ms. Palmer shared that we had a joint rec meeting. Tonya "Tug" Brown, Director of Parks and Recreation is retiring. They are looking to fill it in April or May. Program numbers are increasing back to pre-COVID levels.

President Martin shared that the Township is currently in conversation, we have a draft agreement for the Township to take over the maintenance and scheduling of Koser park. It is used by a lot of Township residents as well as Borough residents. There are some safety issues and capital improvements that need to be completed initially. We are willing to do these for a long-term lease. It is for 10 years with renewal options after that.

President Martin also said that we have mentioned before that Silver Spring Township is partnering with the Borough to use their joint compost facility and we have been invited. The Township is in conversations about making that a three-way relationship. It would be open to our residents as well. It addresses citizen needs.

## **MISCELLANEOUS**

### **SOLICITOR UPDATE**

Mr. Feinour said that he has been in contact with legal counsel for Mathew Taylor who was the successful purchaser of the Farmhouse and the sale of Lot 5. We are putting together the agreement of sale and the deed. We are having preliminary discussions of a closing date in early to mid-April.

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

There was no report.

### **Capital Region COG Update**

President Martin said they meet next week. We had a person come and talk about communication in situations where there are emergencies. A single source of speaking. Respond to the public but give as little detail so you are not giving out incorrect info.

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

There was no report.

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

Commissioner Anderson shared that they have not done anything with the radar bill, and we will need to stay on that.

### **PUBLIC COMMENT**

Mr. Weenink asked about the ordinance stating when meeting minutes were to be approved. President Martin said we would look into it to make sure we are following proper protocol. Commissioner Cochran said that one of the things that happened here, we used to have a work session and we had a regular meeting. Reading the regulations, the meeting did not need to be approved until the next meeting. The work session did not need to be approved until the next work session which were 30 days apart. Over time, we evolved out of that to two separate working meetings. We went from two distinct meetings to Meeting 1 and Meeting 2. He said that Mr. Weenink pointed out that we should only be one meeting behind in approving and posting minutes.

Mr. Palmer shared that the Township is in the process of doing a complete overhaul of the website as well as redesigning it. It will be more of an end-user friendly experience. We are hoping to go live in the Summer.

Mr. Weenink asked if there was a place for him to take his newspapers for recycling. It was shared that on the County website for recycling, there is a chart for anything you might want to recycle and then they have suggested contacts of where you can take it. There is also a disclaimer on it that says they cannot guarantee that they do, but they give you the name and the phone number.

Mr. Rob Staiger said that the bridge on Mill Road is looking good and asked if the Township had an estimated completion time. Mr. Reichard said it should open the second week in April. Mr. Staiger also asked if the Township was going to rebate homes that have rain gardens. Commissioner Cochran said there is a process. Vice President Castranio said that residents were not required by the Township, you are required to meet specific NPDS regulations for the Department of Environmental Protection EP and the County. There is a way, you can appeal it. Ms. Boyer said that if you go above and beyond the regulations in the stormwater that you are required to do as part of that NPDS permitting and what was in the stormwater ordinance, then you can seek credits, but if you do not go above and beyond what the minimum requirements were, you cannot get credits for the minimum requirements. So, if you are doing something above and beyond, there is a credit program and a credit application you can apply for. Commissioner Cochran said the question is, were the rain gardens required because there were no storm drains being put in. Ms. Boyer said the rain gardens were required as part of the development. Vice

President Castranio said he was surprised there are no storm drains and that we need to go back and look at that. Mr. Staiger said there are, and they go into the rain gardens. Vice President Castranio said they are still road drainage. Ms. Boyer said Mr. Staiger still would have had to meet the post construction requirements. Mr. Staiger said every storm drain on the road goes into a individual rain garden provided by the community. Ms. Boyer said that was because Mr. Staiger did not do a community rain garden like some of the other developments did. They chose to do individual rain gardens and she does not know anything beyond those specifics. Mr. Staiger said he heard at one time... (he was not speaking at the mic and what he said was not recorded) ... he did not know if anything was done about that. Ms. Boyer said he would have to apply for any appeal or credit. Commissioner Cochran asked if Mr. Staiger was eligible for a credit. Was the rain garden a requirement to develop there? Ms. Boyer said the rain gardens were a requirement so anything if he were doing anything above and beyond the size that was required for that land development plan, then yes, he could apply for a credit. Vice President Castranio said the way you could, you would have to look at the stormwater calculations and how much impervious coverage was supposed to go to the rain garden. If you did not build that same size of a house, you might get a credit. It is only ½ an EDU.

Commissioner Cochran shared that for public awareness the Township got approval for a four-way stop at Grantham and Mill. That is coming once the bridge is done. Mr. Fraser said that PennDOT needs to install those signs, the Township does not have control over that.

The Board of Commissioners went into executive session.

8:37