

**MINUTES  
UPPER ALLEN TOWNSHIP  
BOARD OF COMMISSIONER  
6:30 P.M., January 17, 2024**

**COMMISSIONERS**

Kenneth M. Martin, President  
Richard A. Castranio, Jr., Vice President  
Virginia M. Anderson, Assistant Secretary  
Eric Y. Fairchild, Assistant Secretary  
Phil J. Walsh, Assistant Secretary

**TOWNSHIP OFFICIALS**

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

**CALL TO ORDER**

President Martin called the Board of Commissioners meeting to order at 6:31 p.m. A moment of silence was held, and the Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Fraser. All were present.

**PRESIDENT'S ANNOUNCEMENTS**

President Martin mentioned the article in Penn Live about 7-Eleven and why it is not yet open. It is a matter of the developer not doing proper procedures to get a liquor license and it is his understanding that 7-Eleven will not sign the contract until that happens because their agreement is that the property comes with a liquor license.

On January 22, 7:00 p.m., there will be a workshop and educational discussion on human trafficking. It is sponsored by the Township, Upper Allen Woman's Club and Representative Kutz.

President Martin noted that not every commissioner's vote was audible and/or recorded at the last meeting, so moving forward votes will be taken with raised hand and commissioners can all say yes.

**PRESIDENT'S RECOGNITION OF VISITORS**

Nina Vanvalin, of 1849 Fisher Road

Ms. VanValin had questions about signage in front of home businesses. President Martin said that the ordinance is under review and that we will have public hearings.

Ms. Boyer said that currently home-based businesses can have a two square foot, double sided sign and that the proposal is to increase the size to eight square feet. Ms. Boyer instructed Ms. Vanvalin to email or call her.

Lowell Gates, of 1140 Gettysburg Pike

Mr. Gates wanted to know the status of the changes to the sign policy and advocated for signage

to promote businesses that would bring in more tax revenue.

Harry Banzhoff, of 2308 Stumpstown Road

Mr. Banzhoff suggested to Ms. Vanvalin that she put a sign on a registered vehicle and park it near her entrance. Ms. Boyer said that was not permitted.

### CONSENT AGENDA

Commissioner Andreson made a **MOTION** to approve the Staff Report and Bills as follows, **SECONDED** by Commissioner Walsh.

Consideration/Approval of Staff Reports

Consideration/Approval of Bills in the Amount of \$1,316,998.93

President Martin asked if there were any comments about staff reports.

Commissioner Fairchild asked if all the information in the staff reports was public information. Mr. Feinour said that was correct. Commissioner asked about the solicitor's report showing communications with Monaghan Township's solicitor regarding Monaghan Township Bishop Bridge removal and turnaround project review of HRG engineering plans and he said he does not think the public is aware that the bridge is under consideration for removal. President Martin said he thinks they are as it has been discussed at previous meetings, we have had joint meetings with York County, we have talked to all the adjacent property owners about it. He said it is not secret information. Mr. Feinour said that with the solicitor report, the information is generally public with the exception of anything that would be covered by the attorney client privilege, but being in the meeting packet, it is generally public. Vice President Castranio said it is public that the bridge is owned by the county, and they want to demolish it, it is not a Township bridge. President Martin said it is a county bridge jointly with Cumberland and York. Commissioner Fairchild said it is an historic bridge on the national historic register. He said he was not saying to preserve the bridge but keeping it as a walking bridge is beneficial vs destroying cultural elements. President Martin said the question you asked was if the public was aware of it and he is responding that it is a publicly discussed issue, it is county governments that are involved so he does not want anyone to think there is some guise of silence. He said he thinks whether it should be saved and what should be done is open for discussion and future action.

John Banks, of 835 Grantham Road

Mr. Banks said the bridge has been closed for two to three years and that everyone he knows thinks it is being replaced. He said he did not think anyone was trying to hide anything, but he was not aware. He said it is an historic bridge.

Commissioner Fairchild then asked about the Engineer's report that says they continue to do work at Generations Park. He asked for an update or private meeting. He said there is discussion of a McCormick Road one-way concept plan and that a pre-application meeting was held with DEP to access the permitting required for improvements adjacent to the Yellow Breeches Creek, the project was placed on hold due to budget constraints for roadway improvement and we await direction on whether to proceed with permitting in anticipation of a potential 2025 construction project. Commissioner Fairchild said he was trying to make people aware and hopefully there

would be more participation in that decision, and he has suggested previously, it is not just a road project, that it is a park, and we should be careful how it is developed.

President Martin asked if there were any comments regarding the bills to be paid. Commissioner Fairchild made a comment that the leading outgo, about half, is again for the upgrade at the Sewer Treatment Plant in Grantham.

The motion carried unanimously.

## **PUBLIC SAFETY COMMITTEE**

### **POLICE DEPARTMENT**

#### **Approval of College Course Work for Detective/Sergeant Trent Mellott**

Vice President Castranio made a **MOTION** to approve college course work for Detective/Sergeant Trent Mellott as per police collective bargaining agreement., **SECONDED** by Commissioner Anderson. The motion passed unanimously.

#### **Overview of Police Department by Chief Parsons and Lt. Barnes**

Chief Parson shared that he has been with the department for 32 years and the departments was founded in 1966. The first station was at a fruit stand at 52 Gettysburg Pike. In 1982 they moved into the Township building and in 2011 they moved into the new expansion project. They have eight marked vehicles, two unmarked vehicles and an MCSAP van. They serve as mobile offices. In 2023, they issued 1500 citations, 2800 warnings, 170 parking tickets, responded to 300 crashes and 9200 calls. They are an educated and accredited police department.

Lieutenant Barnes shared information about new hires, training and recruitment.

Robin Banks, of 835 Grantham Road

Ms. Banks suggested that the Police Department be highlighted in the township newsletter.

### **FIRE DEPARTMENT**

Chief Shumberger shared that there were 44 calls last month with an average turnout of 8.7. The new truck should be back from being outfitted later this week. Mechanicsburg's truck is going in for maintenance and will be out of service.

#### **Authorization to Provide Funding to Fire Company for the Purchase of Replacement Air Packs**

Mr. Fraser shared that the 2024 budget, line item #33.411.730, includes \$2,00,000 for a 50% share of the total cost for the Fire Department to purchase new air packs and required accessories. The Fire Department has received pricing through COSTARS from Fire and Rescue Products of Harrisburg \$266,341.82. The total cost at 50% would be \$133,170.91. The current air packs that have served the Department will be obsolete in June (ten years of use). If ordered soon, the new

air packs and accessories are expected to be delivered within 120 days. They have a 10-year lifespan.

Commissioner Walsh made a **MOTION** to authorize a 50% contribution for the purchase of air packs and accessories by the Upper Allen Township Fire Department from Fire and Rescue Products out of Harrisburg for a cost not to exceed \$133,170.91., **SECONDED** by Commissioner Anderson. The motion carried unanimously.

### **PLANNING AND ZONING COMMITTEE**

#### **Consideration/Action to Waive Required Administration Fees for Banzhoff Tract Escrow, UAT File # 12-12-03B**

Ms. Boyer said that for every escrow account, we charge a \$200 yearly administrative escrow fee. That charge comes from our subdivision land development ordinance where we charge administrative costs, and the fee amount is set by resolution for our fee schedule. There is a collective cost occurring from 2016 to 2022 for a total balance of \$1400. Ms. Boyer said that Mr. Banzhoff has requested that since the project is complete and because of a settlement agreement that was in effect in 2017, he is asking that the fees be waived so the account can be closed.

Harry Banzhoff, of 2308 Stumpstown Road

Mr. Banzhoff said the purpose behind escrow fees is for money to be paid to 3<sup>rd</sup> parties. He said that in 2016, we entered into an agreement where the Township was responsible for their payments to 3<sup>rd</sup> parties for review and we were responsible for our own. As of 2016, the need for an escrow account did not exist. There was \$13.28 in it, yet we incurred numerous escrow charges, most of which have now been removed because it was to be paid by a third party. He said the purpose of the escrow fees no longer existed; yet they were continually charged. He said he never requested the account in the first place. Vice President Castranio asked him if he received an invoice every year for \$200. Mr. Banzhoff said yes and that he contacted Jen and explained to her that because the agreement no longer applied, there was no reason to pay it. He said he was not responsible for paying the fees of the 3<sup>rd</sup> party reviews.

Ms. Boyer explained that the settlement agreement that Mr. Banzhoff is referring to was when this preliminary plan was going through the courts for the appeal. During this time until everything was settled in 2022, this plan was still going through the process, and they were working with PennDOT on the road for 15. This preliminary plan was still considered active because there was the agreement that if PennDOT did not agree to this road then maybe the plan had come back and we did not know what that design was going to look like. Each party would be responsible for their own engineering and legal fees that we entered into. She said that until a project is complete, we keep escrow accounts open. Ms. Boyer said that this is part of the Township's ordinances and resolutions, and they cannot be waived. She said it was up to the Board as to whether the fee is to be waived or if Mr. Banzhoff is responsible for them. Vice President Castranio asked if Mr. Banzhoff would have asked in 2016 to have the escrow fund closed, what would the recommendation have been? Mr. Boyer said they probably would not have recommended it be closed because we were still going through that court appeal process. President Martin said that really did not conclude until 2022 so to him, by ordinance it would appear rationale that we would charge the escrow from whenever it was set up until 2022, because that is when the project was

deemed complete. Mr. Boyer said it could have been talked about when they made the agreement, not charging during the settlement agreement, but it was not part of the agreement and that is why we continued to charge that.

Mr. Banzhoff said that what you are saying is that he had \$13.78 in the escrow account since 2016 and for the Township keeping that record, he is paying \$1400. President Martin said that by the ordinance of the Township and by which you as a developer want to move forward with a plan, it is very clear that from the time the escrow account was established, until the project was deemed complete, you owe the Township an annual fee of \$200. He said it was not contested, the closing date was not asked to be altered so he thinks that is an outstanding obligation to the Township. Mr. Banzhoff said he disagreed with that.

Commissioner Fairchild asked if the \$13 is similar to a dormant account. Mr. Banzhoff said that was correct. Commissioner Fairchild asked if the property mentioned in the next agenda item has transferred and if so, when. Mr. Banzhoff said it happened in the last month. Commissioner Fairchild said it seems goodwill for the Township if it is totally done and Mr. Banzhoff is out of it to not charge him that money. President Martin said that up through the time the project was deemed complete, he did own the project. Vice President said that every year he got an invoice for \$200, and he just ignored it. Mr. Banzhoff said no, many years he would contact Ms. Boyer and say it no longer applies. President Martin said it is still an obligation until it was waived. He asked why he did not come to the Township seven years ago. Mr. Banzhoff said because he did not think it applied and that when the property got sold, we would get it straightened out.

Commissioner Fairchild made a **MOTION** to approve the Applicant's request to waive the escrow administrative fees from their account. The unpaid fees are from 2016-2022, totaling \$1,400.00., **SECONDED** by Commissioner Castranio. The motion carried 3-2 with President Martin and Commissioner Anderson voting no.

**Consideration/Action of Preliminary/Final Subdivision Plan of Banzhoff Tract, Lots 2A, 5C, and 6D, UAT File # 23-10-02**

Ms. Boyer said this involves the subdivision of three lots on the west side of Route 15. She noted that with the preliminary plan there are two deferrals that were granted that carry over. This would be deferral to install curbs along Gettysburg Pike and Grantham Road as well as sidewalks. Those would continue until such a time as the Township deems the improvements necessary. Unless there are any issues with those, no action would need to be taken on that tonight. With this subdivision plan, there are three waiver requests up for consideration.

John Melham of Melham Associates, PC

Mr. Melham said that at this point, it is a non-development type of subdivision. There are three lots. One by the southern corner at the historic district which is wetlands and non-buildable. The second lot is a long skinny one that goes up to the former Grantham crossing. The third lot, 6D, is a small lot between the two that provides future access for the main portion of the Banzhoff property.

This strip was never used in any part of area calculations because the Banzhoff's wanted to keep this strip for their own holdings. We have a couple deferrals that the planning commission

recommended approval for and for waiver requests.

Commissioner Fairchild said he does not have the minutes of the December Planning Committee.

Mr. Melham shared information about the two deferrals and waivers. One deferral is to install curbs along Gettysburg Pike and Grantham Road. The second deferral involves the sidewalks along that same frontage. The first waiver is requesting a waiver from section 220-3.5 to submit a combined preliminary and final plan. The planning commission recommended approval. The second waiver is to waive the requirements of section 220-3.711 to provide a report of important natural habitats, specifically wetlands. On all our plans, we comply with that. The applicant is requesting a waiver of this section since no construction is proposed. The applicant did do a delineation for their future road access which is lot 6D and the wetland areas are identified on the plan around lot 6D and 5C. A conservation easement has been provided around the entirety of this lot, 5C. The Planning Commission recommended approval. Item three is to waive the requirements of section 220-9 sub heading C2J to show the location of the on-lot sewage disposal for lot 2A. The location of the existing septic system cannot visually be determined. The staff commented that the sewer is a private on lot system however the location was not identified. Upon further discussion with the applicants engineer the location cannot be determined. The sewer department staff looked through its records and found nothing pertaining to the septic and drain field location for this property. The pumping and inspection records of the past nine years have indicated a high-water level in the 500 gallon septic tank and backflow into the tank from the drain field. This condition could signal a possible drain field failure. The septic tank was last pumped in July 2023 is scheduled for its next pumping cycle in 2026. The septic system will be inspected by the Township SEO at the time the tank is pumped. At any time however, if the sewage disposal is found to be ineffective or inoperative, by the SEO, it will have to be repaired or replaced. Note #26 was added to the plan on sheet C-1.1 to memorialize this information. The Planning Commission discussed this as an outstanding issue the applicant had to address. The Planning Commission did not act on the waiver because the official waiver request was submitted after the Planning Commission Meeting. The need for that only surfaced at that planning commission meeting. He said he agreed with Ms. Boyer that we would send a waiver request for that.

Vice President Castranio asked if they were just subdividing the land off the residual tract, why does 6D need to be a lot, why can't it remain part of the residual lot because it is going to be future right-of-way. Mr. Melham said we kept it as its own lot expressly for that purpose. Vice President said he disagrees and thinks it is confusing. President Martin asked what happens while the rest of the lot is developed and engineered, if that needed to be moved north or south.... Mr. Melham said it stays exactly where it is, the future entrance will not move. Mr. Melham said they have not had conversations with their client as to the use of this strip of ground. The owner is clear that this roadway is going through. Vice President Castranio said that if we allow that to be subdivided on this plan, you could sell that to anybody. Mr. Melham said no, that is not the intent, the intent is to preserve that location expressly for that singular purpose. Vice President Castranio said he does not understand why it would not be part of the residual tract. Mr. Melham said that at some point if the owner wants to add development to that tract, it is not going to affect this road. We have created a cross access, north to south, a temporary access across this lot for that purpose so the owner of this lot can walk from the north to the south across that future access route. President Martin said that as it is presented to us, unless we are misunderstanding something you have done or some other agreement, there is no way other than your hope and word, that it will be preserved

for a future road. Mr. Melham said there are notes to the effect that it is the purpose of that access.

Vice President Castranio said that Mr. Melham has a note saying that the owner of Lot 2A shall maintain rights through lot 6D. Mr. Melham said that is cross access through it and part of the reason for that is if there is an occupant of that house, we had to keep an access easement for her driveway open. President Martin said that from previous conversations, the intent was to have a road from the eastern portion under 15 to get over to Gettysburg Pike. He thinks that what Vice President Castranio is trying to help assure, that now or later that it remains open and possible to actually build that road through the tract. Vice President Castranio said a simpler plan would be Lot 5C, Lot 2A and then the residual tract. He said he could sell him, lot 6D. Mr. Melham said there is no intention of doing that. President Martin said that intentions are not binding. Mr. Melham suggested we add something to the standard list of developer's agreements with Mr. Mawaad some wording to this effect.

Ms. Boyer said that under the proposed lot information 6D does say proposed road right of way and ownership to be dedicated to the Township. She said what we would want to verify with the county is that typically they do not assign lots, they take it out altogether. She said that may not need to be called 6D. We could work on some legal language with the solicitor to address Vice President Castranio's concern that it is not a separate lot that could be sold off and not become its intended right of way at some point.

President Martin said that he does not think that Vice President Castranio's comments are meant to degrade or obstruct this plan, we are just trying to assure Mr. Melham that this intent is somehow memorialized or covered.

President Martin asked Ms. Boyer if the deferrals that were approved in 2015 are still standing and the only action for the Board is if we wished to reverse those deferrals or that decision, correct? Ms. Boyer said that was correct. President Martin asked if she recommend that we deal with prior to the approval of the plan. Mr. Boyer said that was correct.

President Martin said that in terms of the wetland we are waiving that report, it could be added or required at the time of proposed future development if it was the will of the Board. Mr. Melham said it could and the point is that it would be a waste of money to do that. Mr. Melham said we were careful to delineate wetlands where we were developing and particularly for the strip coming under Rt. 15. President Martin said there is no development planned for it tonight, but Mr. Melham will have at some future point, some development. Mr. Melham suspects the owner would like to try some development north of the access road.

President Martin said that the sewer has been pumped for years, and you must think there is one there because you asked for a waiver and yet no one can find it. Mr. Melham said the waiver is having to show it on a plan, he knows where the tank is, it is the field we do not know where it is. Commissioner Fairfield said he the property is now sold and wanted to know if Hany Mawaad is a single owner and not an LLC.

Mr. Constantinos Malios, of 715 Sand Bank Road, Mt. Holly Springs of Alpha State Realty  
Mr. Malios said that on December 29, 2023, Hany Mawaad bought under it under Saints and Mary Inc., he is a sole owner. He wanted to keep this piece separate from the development. He said

Ms. Banzhoff is allowed to stay there because she did not have a place to go. He said she could stay there for up to a year. He shared that the sale price was \$1,060,000. \$795,000 for the developed piece and \$265,000 for the piece we are talking about today. Court decisions go with the land. The owner has to agree to everything that is said here. Mr. Malios said that 6D will be dedicated to the Township when the road is built. Vice President Castranio said you do not know when that will be and does not know why you would create a lot. Mr. Malios said that is what engineers recommended.

Commissioner Fairchild asked about the other phases and if it would come back in the same form or will it change? President Martin said that the tract on the eastern side of Rt. 15 will come back at a later date and go through planning. Mr. Malios said that was correct. Commissioner Fairchild asked if they will change or will they be in the same form of 54 townhouses. Mr. Malios said it is exactly the same, carved in stone, in three phases, 53 lots, 9 singles. President Martin said it still needs to come back through the Board for final plan. Commissioner Fairchild said that in his mind, some land should not be developed and the creek area, there is that conservation overlay, that appears you tried to stay clear of that. Mr. Malios said there are 6 acres that will stay opened and preserved. Commissioner Fairchild said they were new to the Board, and they had encouraged the Board to make an offer on the tract, we thought it had opportunities for recreation and connecting trails, value as part of the trails maybe over to the Ashcombe Mansion and things like that, that could benefit the whole community. He said that instead it is now back in private ownership, but maybe there could be some discussions along those lines. Mr. Malios said the Board could make conditions whenever we come back, to keep the plan like it is for the flood area.

Mr. Melham said the project started in 2011. We brought this project to Township staff prior to designing. Mr. Melham said they picked up an indication on the highway map that there was a trail, there was a reference that any piece of property that had this trail would require a conservation subdivision. He said the Township's ordinance is tight, that open space is part of the development. It is maintained by the HOA, all structured according to the Township Ordinance. Commissioner Fairchild said it was for the benefit of those homeowners of the HOA and not public use.

Vice President Castranio asked Mr. Feinour whose ownership it is going to be in. Mr. Feinour said it would be owned by the developer. Vice President Castranio asked if it made sense to have it part of the residual. Mr. Feinour said that made sense to him. Mr. Melham said this is the way you protect it.

Commissioner Fairchild said he is interested in the waiver about providing a report on important natural habitats, specifically wetlands. He said he did not see anything for animals or habitat that way. Mr. Melham said their environmental consulting company checked for the Bog turtle, and a number of things. They also did wetland delineations. Commissioner Fairchild noted that these underpasses are a wildlife corridor for deer. Mr. Melham said they go through channels, the PNDI search and you update it. Commissioner Fairchild asked if it would infringe on that movement or migration. Mr. Melham said there is nothing in the Commonwealth reports of any such movement. He said there may be some wildlife moving through there, but there is no state record of it. Commissioner Fairchild asked if there was a regulation at a state level regarding impeding wildlife use.

Peggy Bartells, of 27041 Woodbine Street



Ms. Bartells asked if there is there anything in the plans that the access road has to be completed before occupancy. President Martin said that there are not because we are not dealing tonight nor have we seen plans for the Grantham side of 15, but he would think that judging from past performances, this would be a prerequisite to any approval even of the development.

She asked if 6D would be deeded to Upper Allen Township. President Martin said that after and if the plan moves forward and there is development on the east side and that road is built, then after the developer would build the road to PennDOT specifications, they would dedicate it over to the Township as a Township street, just like we do for other developments. Ms. Bartells asked who would own 3B. President Martin said that would be discussed at the time of the plan and approval. Many times, developers in the region develop the site with homes, build the roads and then request the Township take them over. He imagines that would be the request but is not sure at this time. Vice President Castranio said we have a conditionally approved preliminary plan, that has all been discussed, correct? Ms. Boyer said yes and that once the road was built, it would be dedicated to the Township as a public street.

Mike Cosby, of 907 Grantham Road

Mr. Cosby asked why the plan submitted on September 29, 2023, was by Saints of Mary and it is now just Mr. Mawaad. President Martin said he is the owner of the property and he set up the Saints of Mary. Mr. Cosby wanted to know why the Saints of Mary is gone and it is just his name now. Mr. Melham said it is one in the same. Mr. Melham said in the September version, we asked Mr. Malios, what we should submit this under, and we were told that it would be the Saint of Mary. He noticed it had been changed and he assumed someone has notified his office that he would like to have his name and not the Saint of Mary. He said Mr. Mawaad expressed surprise that we had used that name. Mr. Malios said it was his company. Mr. Cosby wanted to know who we were dealing with. Mr. Malios shared what businesses that Mr. Mawaad was associated with.

Mr. Cosby asked if Mr. Mawaad knew he will be the most despised person in Grantham if he goes through with this monstrosity of a project. He asked if anyone told him that he is going to be really hated by the local residents for what it is going to do to the neighborhood. He said that developers are in it for the money and the concern about what it does to a community does not seem to be registering at all. We want to make that known and we have been doing this for twelve years.

Elaine Torrey, of 2730 High Street, Grantham

Ms. Torrey said that the traffic study was for phase one only, not for all the phases, so the traffic would be atrocious. President Martin said that if and when they want to develop the area on the east side, there will be preliminary plans and final that come in through the planning commission to the Board and there will be public meetings. Vice President Castranio said the preliminary plan has been approved for the lots, so the traffic report is already approved. He believes it was for the entire tract. Ms. Torrey said she did not believe so, they said minimal impact on Grantham Road and Cockley's. That was noted.

Mr. Melham said that Vice President Castranio is correct, that the Township had their own engineer and she collaborated with their consulting traffic engineer, and it was for the whole tract.

Paul Nisly, of 725 Grantham Road

Mr. Nisly said that we still really care about the community, and we would like to see it kept in a

way that is good for the people that are there. He said we do not object to a modest development, just not the massive amount that is proposed.

President Martin said he hoped there would be communication between the developer, professional team and the residents. He said as a Board, if a developer comes in and meets the ordinances, we do not have the authority to say no. We will take in citizen comment and make sure that they subscribe to everything that is in the ordinances. He encouraged the residents to be engaged.

Mr. Melham said his office will invite the community if they would like to organize a meeting, he said they would be happy to go through the whole process of this, answer any questions they would like. He encouraged the community to give his office a call if they would like to organize a meeting. President Martin said he heard that offer and encouraged the Grantham Community to take advantage of that offer and hold Mr. Melham to it.

Mike Cosby, of 907 Grantham Road

Mr. Cosby asked what good it would do to talk with them and express their frustrations, they have done that for twelve years. He said it is like “this is what is going to make us the most money and there it is.”

Mr. Melham said he has also gone through twelve years of this. He said this has been one of the longest projects. He said the Township put together the most detailed, environmentally sensitive, most constraining set of ordinances. He said it is set out by committing at least 50% of the ground as open space. He said that every stage when we presented this to the township staff and to the Board, it was well received because it conformed to the ordinance. He said it is a difficult site, that does not mean it cannot be developed. He said the Banzhoff family owned this from the 1920’s or 30’s. They wanted to sell their property and they have every right to do so. He said the buyer cannot do anything they please, that is why there are ordinances and zoning. He said if the residents cannot come to his offices and if you are just going to decry that someone is doing this, well you are bucking the whole system. He said it may be best if they do not meet, because he will give as good as he takes. If anyone in this community wants to see how we believe this is a good extension and a piece of growth of your community, if you want to listen to how and why we did what we did, we will answer any questions, there is no reason this cannot be civil and educational. He said he will learn from the residents, but he will not take abuse or give any. This is according to the system of the Township and that is why he makes his offer genuinely.

John Banks, of 835 Grantham Road

Mr. Banks asked about the sewer and why they do not know where it is. President Martin said it is an on-lot system, they can find the tank, not where the drain field is. Mr. Banks asked what the sidewalk was on the plans, he thought that was put to bed. President Martin said that was a proposed sidewalk, the ordinance states that you would need a sidewalk when you do a subdivision and it is along Grantham Road, the pink section (on the diagrams) of Gettysburg Pike.

Robin Banks, of 835 Grantham Road

Ms. Banks wanted to be clear that there will not be a sidewalk on the yellow part of Grantham Road. Ms. Boyer said that when subdivision and land development plans come before the Township, they have to put in curbs and sidewalks unless some sort of waiver or deferral is granted. She said that with that preliminary plan, a deferral was granted to not install curb and sidewalk

along the area of Gettysburg Pike and the area of Grantham Road that this tract fronts upon, not all of Grantham Road – just the portion that fronts onto the property that is being developed. Ms. Banks said that only the circle at the end of Grantham Road. Ms. Boyer said that was correct, only that half portion of the cul-de-sac. Not the other side where the townhomes are, where it is already developed because you cannot do off-site improvement, only which fronts your property. Because curbs and sidewalks did not exist on either of those roads in that area, the Board elected to defer them until such time as maybe in the future they would be developed. We had that Grantham sidewalk study done, if that was something where that would have been put in, then maybe this deferral would have been called into that at that time, but that was squashed and not moved forward. She said there are no plans.

Ms. Banks asked about the Township's traffic study, it was supposed to be 400 cars in a week on Grantham Road. She said we do not see that in a month in that area. She said we believe that when they did that study, they did Grantham Road at the circle is where they started it. She said yes, they would get a lot of traffic there because it is going in and out of the college. She said if a traffic study is done, the company needs to do the right area because it said Grantham Road and it had to be down at the circle. President Martin said that down at the area near this development, by her admission, there will be a lot less traffic than what was portrayed in the study.

Ms. Banks asked about the sewage. She said Upper Allen has a Facebook page and there are residents that are concerned with all the development going on in Upper Allen. She said people say to buy the property, the owners are allowed to sell it. She said that is right, but it is the Township's zoning that is the one that is taking property and rezoning it. She gave the example of the crossroads at Market Street where there was a home, but now is a 7 Eleven. She said that was residential and suddenly it was commercial because we are going to build that up. She said the Township really needs to take the concerns of the residents, because we are going to agree that Upper Allen Township is becoming a Hampden Township, a Gettysburg Pike, it is going to get like that if we keep taking our land and building it up. She said on the other hand, we are not even taking into consideration the sewage. She said it is her understanding that we are constantly doing work for that and now we are going to put 54 more homes in here. She said her father-in-law was on the sewage Board in 1994 and back then he was saying it was outdated. Before we go ahead and approve all these businesses and developments, listen to the residents and take that into consideration, because ultimately, it is the residents that are paying the sewage bills. We are going to be the ones paying for all these upgrades. She said their taxes are going to go up, they are not going down. President Martin said the sewer bill did go down. Ms. Banks said yes, but was is offset by their trash bill.

President Martin said the Sewer Department has kept pace and we are spending a lot of money there now to upgrade the equipment to get it up to standard but said the sewer has been run efficiently. He said in terms of zoning, he said she was right, but there is a process and when zoning changes, it is all done at public meetings. Ms. Banks said they are losing their farmland.

Ms. Anderson said it is their farmland and we cannot turn down housing if it is zoned that it can. Ms. Banks said you can keep it agriculture, can you not? President Martin said that is the balance of keeping open farmland vs having a residential development or commercial development. That is the tension in communities that we all talk about. We have pressure from more people moving in and farmers can make a better livelihood selling to a developer. Ms. Banks said she understands

that, but we do not have to put in carwashes and restaurants. President Martin said that we do, as long as that proposed use meets the ordinance. Ms. Banks said she understands and thinks the ordinances need to be tighter and that is what they are asking. She said that in the long run, it is everyone here that is paying for this – taxes and sewage rates.

Mr. Fairchild said that the Township is coming into this year with over 16 million in fund balances, \$5 million in a capital reserve account. The solution to avoid all this agony would have been for the Township to buy it. He proposed they still buy it and free enterprise, give them a profit on the land. He said it should be land that is not developed. He said we all see that, but it is just terrible to him. He said he does not know what a lot of this money is for.

Lowel Gates, of 1140 Gettysburg Pike

Mr. Gates attended the zoning board meeting; his concern then was flooding. He said he is concerned that you are creating a lot of development that will cause water to run in the Yellow Breeches, he is mindful of the fact that there are NPDS permits, and they will have to deal with the stormwater. He is very happy to see that area 5C is going to be non-buildable, because it is right across from the flood plain area. He suggested the yellow area along the Yellow Breeches, should be left alone as it is mostly flood plain.

Jim Cochran, of 384 Allison Avenue

Mr. Cochran said the Township was trying to purchase this property, we were looking for a developer that would take a piece of it, buy it, and turn part of it into a park and we were unsuccessful. It was something we did look at and talked about in Executive Session. We could not come to an agreement with someone to buy the property and develop fewer properties and give the Township a piece that we would keep, it did not work out.

Mr. Cochran said he heard the sewer plant come up a couple times. The Township is replacing equipment, some of which dates to the late 1970s. This is not to increase capacity, it is to replace things that are worn out, we are at the point where if some of this stops working we are in trouble. We have had to spend money and when we did, we are modernizing it. We do not have an issue with sewer capacity, we are fine.

Mr. Cochran asked who owns the land under route 15, is it PennDOT? When we run a road off of a PennDOT ROW, how do we take control of that. He heard there is an easement across 6D, does that easement have a time limit to it? He said he has never seen a public street with an easement across it. If they want to dedicate it to the Township, how would you do that if there is an existing easement across a piece of ground.

Vice President Castranio said the easement is not shown on the plan, but the Banzhoff driveway. Mr. Cochran said that if you are granting an easement on a property that is going to ride with the property, then how does the Township take a public street and put on top of an easement.

President Martin said he thought it was an agreement that gave Ms. Banzhoff an opportunity to use it for up to a year.

Commissioner Anderson shared that she needed to leave for a family reason.

Commissioner Fairchild suggested a brief executive session to solicit legal advice at 9:07 p.m.

The meeting reconvened at 9:14 p.m.

Vice President Castranio made a **MOTION** to approve the waiver request for Section 220-9.a.1a to submit a combined preliminary and final plan. **SECONDED** by President Martin. The motion passed 3-1 with Commissioner Fairchild voting no.

Vice President Castranio made a **MOTION** to approve the waiver request for Section 220-11.I-.1 to provide a wetlands report. **SECONDED** by President Martin. The motion failed with President Martin and Vice President Castranio voting yes and Commissioner Walsh and Commissioner Fairchild voting no.

Vice President Castranio made a **MOTION** to disapprove the waiver request for 220-9.c2J to show the location of the on-lot disposal facility for lot 2A., **SECONDED** by Commissioner Walsh. The motion carried unanimously.

Ms. Boyer asked if it is going to be a separate lot and it is a question for Mr. Feinour, so it is done correctly. Is it to be called out separately as 6D or should it not be labeled as 6D all together. Vice President Castranio said that is originally what he wanted done. Mr. Reichard said what we are saying is do not propose it as an individual lot in the form of 6D but display it on the plan as an extension of the residual tract to the east and that lot extends under the state route 15 over to Gettysburg Pike. President Martin said he thinks that the representative wanted to keep 6D separate because that was the advice of his staff. If we do it separately, 6D, we just want to make sure that the ownership stays with the land on the east so it cannot be sold out from under a future road being built there.

Ms. Boyer asked if we could stipulate that a lot must remain in certain ownership, if it is a separate lot, because wouldn't they have the right to sell it if it was a separate lot. President Martin said that is what they were trying to avoid.

Mr. Feinour said it is a non-building lot so he would condition any approval on the condition that ... Vice President Martin said you are looking at the lot above the non-building lot, that strip they call 6D. He said approving them on the condition that lot 6D, not B denoted on the plan until such time as the highway is to be constructed and dedicated to the Township.

Vice President Castranio said his first thinking was what Ms. Boyer and Mr. Reichard are saying that it should remain part of the residual tract and you can come out and it not even be a lot. Mr. Feinour said he agreed and that can be a condition of the approval.

Mr. Melham said you must remember that PennDOT owns their property, the two are not contiguous. Vice President Castranio said he has them listed as 3C and 3B, you have them listed as lots. Mr. Melham said that is because when we have parceled out, when we go for the PennDOT permit, which will be 3B. President Martin said the alternative is, if what was presented was not satisfactory to us, and we cannot agree on an alternative that the developer agrees to, we can table this plan and come back at a future meeting, knowing that we approved waivers, but we need not take action on this if it is the will of the Board to table.

Ms. Boyer said the Board would need a time extension. Mr. Feinour said that might be advisable until we get this flushed out.

Mr. Melham asked if a note can be added that says 6D is for the development of the 28 acres, but there is a piece in the middle that PENNDOT owns that is 3B, so 6D will not connect to the 28 acres unless you build the road and get a final plan. President Martin said it would need consent of PennDOT. Mr. Melham said that if you put a note on the plan that 6D is for the .... Mr. Reichard said that should not be a concern, the land parallel with Gettysburg Pike is also separated by the same state owned land, all we are saying is we need to add an ad joiner symbol connecting 6D to the residual tract and include appropriate notation on the plan that it is clear that it is intended to remain part of the residual tract and to be future dedicated to the Township for public use in the form of a public right of way. Mr. Melham asked if that could be put on the plan. Mr. Feinour said yes. Ms. Boyer said we are trying to figure out the right language.

Mr. Melham asked for clarification on the previous denial of the septic. President Martin said that what we did by the motion that was taken, we are not forgoing the necessity to identify the drain field. We are saying you need to find the drain field and put it on the plan. The other one was to waive the necessity to do an identification report of natural habitats, specifically wetlands. That waiver request was also denied which means you need to do that. We did approve the waiver to consider preliminary final.

Vice President Castranio made a **MOTION** to approve the plan with the conditions as outlined in our memo adding a condition #12 as restated by the Township engineer, we need to add an ad joiner symbol connecting 6D to the residual tract and include appropriate notation on the plan that it is clear that it is intended to remain part of the residual tract and to be future dedicated to the Township for public use in the form of a public right of way to be approved by the Township solicitor., **SECONDED** by Commissioner Walsh. The motion carried unanimously.

Jim Cochran, of 384 Allison Avenue

Mr. Cochran said he is still concerned about the status of 3B. It is somewhere in the agreement. Vice President Castranio said it is somewhere in the agreement, but it is not part of this, it actually should not even be noted on this plan as stated in our staff comments. Mr. Cochran said he just does not want to have it implied that the Township is going to take a road across PennDOT property without PennDOT's approval.

Mr. Melham said they have PennDOT design approval for this route going through, we do not yet have the HOP for that section. President Martin said he would not think that we would accept dedication of that until you have the HOP.

Mr. Feinour asked Mr. Melham, is condition #12 as it was stated acceptable to the developer subject to the execution of the appropriate document. Mr. Reichard paraphrased it as the following, the condition for what it depicted as lot 6D to remain part of the residual tract located to the East of State Route 15 and to retain that common ownership until said time the road is to be dedicated to the Township for public use. Mr. Melham said they did agree.

## **PUBLIC IMPROVEMENTS COMMITTEE**

There was no report.

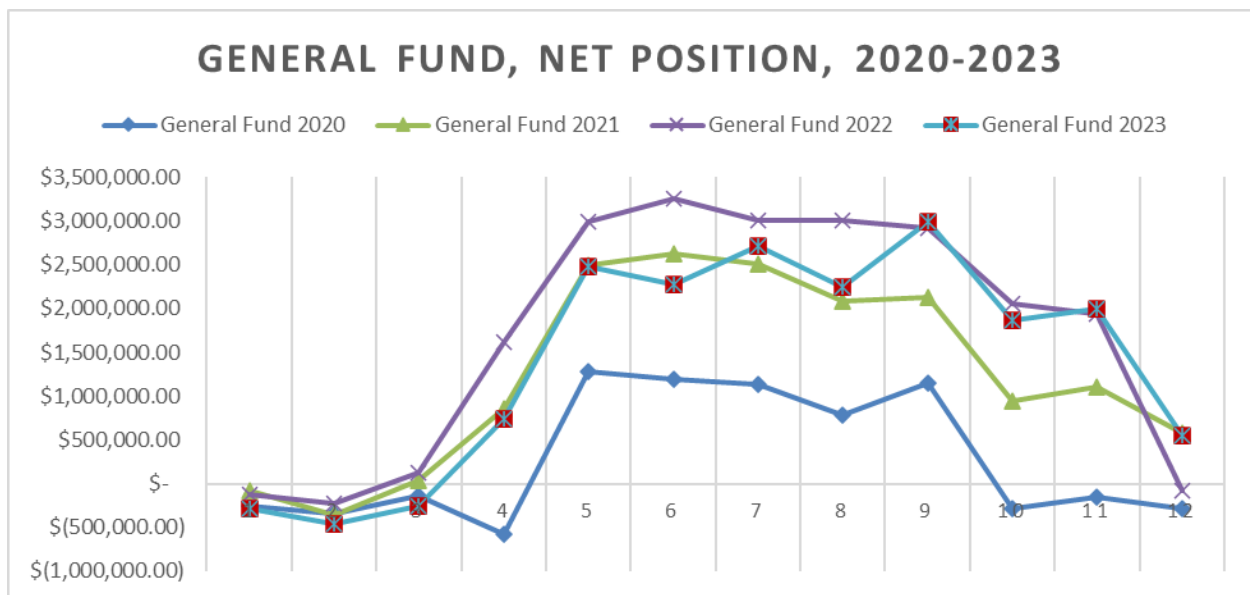
### SANITARY SEWER SYSTEM

There was no report.

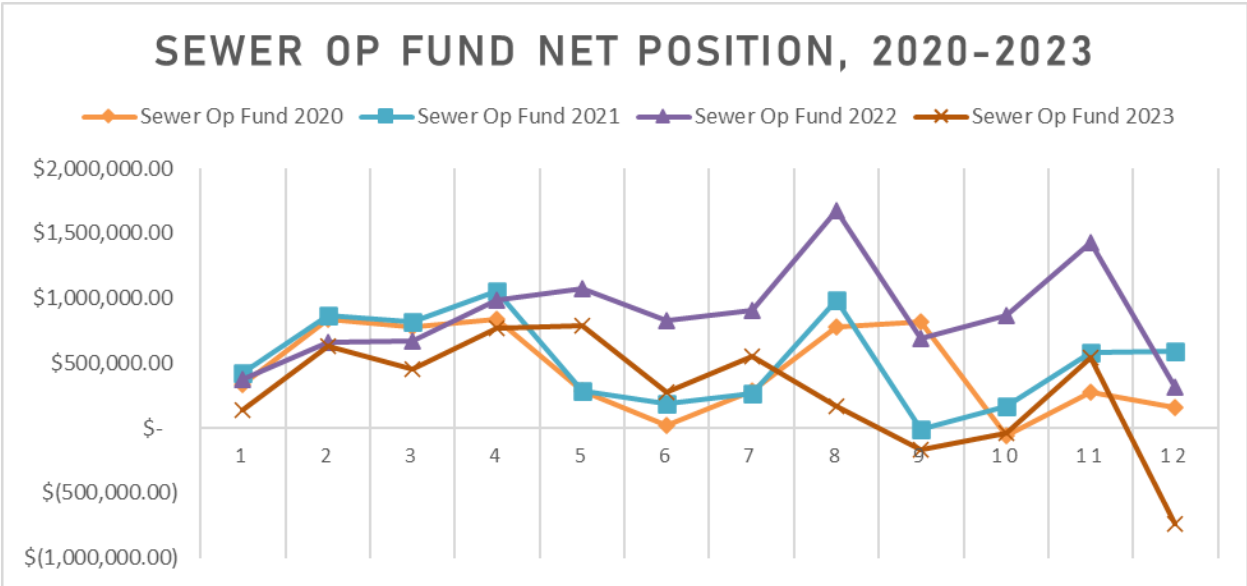
### ADMINISTRATION COMMITTEE

#### Budget Update

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



At the end of November, General Fund Expenditures (all expenditures plus transfers) of \$2,114K exceeded Revenues of \$656K by \$1,458K. This matches prior years trends, with 2023 exceeding net position 3 of the last 4 years. Revenues in December were mostly made up of Local Enabling Taxes (mainly Current Year Earned Income Tax) and building permit fees. Most expenses were related to transfers to the Capital Reserve Fund and Park Maintenance Escrow Fund as well as common personnel expenses.



The Sewer Operating Fund has closed out the fiscal year in a negative position as budgeted for. Final cash position for the year not including fund balance was \$(735K). With the negative finish, the starting Fund Balance for 2024 is projected to be \$2,335K. This breaks with prior trend lines and is by design due to the decrease in sewer rental collections. FY 2024 is expected to finish in a similar fashion, with FY 2025 rebounding to a breakeven position as long-term debt payments drop off.

At the end of 2023, Township expenditures were managed within budgetary constraints. None of Upper Allen Township’s Funds operated in a deficit; all funds’ revenues (Revenue plus Fund Balance) exceeded expenditures.

#### **Appointment to Stormwater**

There are two open seats on the Upper Allen Township Stormwater Authority Board of and after two recent resignations. The resignations were as follows:

- Virginia Anderson – term expires end of 2027
- Jeff Walter – term expires end of 2024

Commissioner Castranio made a **MOTION** that the Board move to appoint Commissioner Fairchild to the uncompleted term of Commissioner Anderson and Commissioner Walsh to the uncompleted term of former Commissioner Walter., **SECONDED** by President Martin. The motion carried unanimously.

#### **Review and Authorize to Award Contract for the Installation of Board Room Video Streaming**

To improve accessibility to Upper Allen Township Board of Commissioners’ meetings, staff requested a quote to install new video broadcasting equipment. We received a quote from Sage under COSTARS for a price of \$69,450.00. The quote includes the installation of four PTZ (Pan,



Tilt and Zoom) Cameras, wiring, improved controls and coordinated audio. The 2024 Approved Budget contained \$70,000 in the Capital Reserve Fund for the purposes of this project.

Scott Steffan of Sage Technology Solutions

Mr. Steffan explained the system that was proposed for the Township. The quality of the four cameras proposed will accommodate the varieties of light in the room. Cameras can focus on the face of the person presenting at the podium, looking forward from the podium, and the two side areas where staff are seated. The cameras will be triggered by who is using the microphones. The system is designed to be operator assisted. The material that is present on a screen can be shown. This is not a zoom broadcast. It can be streamed out. It will be live on YouTube and can be accessed later. It pairs with the existing audio system. There will be touch pads to run the system if you want to run it manually. The Township will need to provide a computer. Sage will wire connect to the computer and it will provide the network stream out to YouTube. He estimates three months until the Township can go live. There are no ongoing software fees. It does not require a minimum number of subscribers. The Township is not required to advertise and bid this project out because it is going through COSTARS which is pre-bid as we piggyback on state contracts. Monroe County Courts and Cumberland County Courts also use this system.

Jim Cochran, of 384 Allison Avenue

Mr. Cochran asked if it can be used for zoom and if other groups can use this system for other purposes.

Mr. Steffan said that system produces audio, video and can be brought to your computer. He said we would have to take video from computer to screen, and he does not have any reason why it could not be, but it was not designed for that directive. It could be used by other commissions.

Commissioner Castranio made a **MOTION** to authorize appropriate Township personnel to contract with Sage Technology Solutions under the **COSTARS** program for a cost not to exceed \$69,450 for the video streaming improvements to the main meeting room at the Township building., **SECONDED** by Commissioner Fairchild. The motion carried unanimously.

### **Approval of a Resolution Establishing Revised Purchasing Guidelines and Authorization Requirements.**

Commissioner Castranio made a **MOTION** to approve Resolution #1092, a resolution of the Board of Commissioners of Upper Allen Township, Cumberland County, Pennsylvania, establishing revised purchasing guidelines and authorization requirements., **SECONDED** by Commissioner Walsh. The motion carried unanimously.

### **Request by Mr. and Mrs. Taylor for Return of Escrow Related Work Completed at 1340 East Lisburn Road and Lot 5 on McCormick Road**

They are requesting the return of \$117,000 of the \$122,000 that was placed in escrow in relation to the movement of the residential structure at Generations Park to Lot 5. The Taylors put up a cash escrow due to difficulty getting a performance bond for the project. The residential structure has been moved to Lot 5. Remediations at Generations Park at the time of writing this memo are not completed and have not been inspected by Township officials.

President Martin said that initially as he understood, there was a request for the majority and/or partial reimbursement and then after we received meeting packets, the request changed for full reimbursement, is that correct. Mr. Fraser said that was correct.

Bruce Warshawsky, with Cunningham, Chernicoff and Warshawsky, 2320 N. Second Street in Harrisburg

Mr. Warshawsky said that there was never an offer made for a partial return, that was a draft letter that was shared with the solicitor and it was not an official formal request. The formal request was made January 12, 2024, for the return of the entire escrow. He said that in anticipation of completing the work that was finished on January 14, 2024. Mr. Warshawsky said that all of the work has been completed, the structure was transferred within the required time. He said that additional work was done beyond the requirements at no additional charge to the Township. Mrs. Taylor has pictures. Mr. Warshawsky said they fully performed under the escrow agreement and have the right to return of the entire \$122,000 at this time. He said he understands the Township wants an inspection, but the property has been available to the Township all along. He said we believe a final inspection is perfunctory because all of the work has been done, it is easily visible and understandable. If an inspection is necessary, he request it be done in a short period of time.

Vice President Castranio asked what additional work was done.

Marjorie Taylor, of 900 McCormick Road

Ms. Taylor shared that the stone foundation walls of the lower level have been removed, the concrete floor of the lower level has been removed, the hole where the structure was has been filled to grade with topsoil, the topsoil has been seeded, strawed and placed on top. The escrow agreement did not say that we had to do that, but we went ahead and did that as concerned citizens to make it look nice. President Martin said the topsoil and seeding was extra, the others were part of the agreement. President Martin said the staff has not had an opportunity to verify that.

Timothy Albertson, 21 Carlisle Road, Newville, works for Carlisle Excavating

Mr. Albertson said he removed the floor and foundation and hauled it to their dumpsite. Mr. Albertson said the concrete floor and the foundation stone were removed.

Mr. Reichard asked about the status of an existing well to be abandoned and capped according to DEP procedures. Mr. Albertson said yes, it was backfilled with 2B stone which is legal per DEP requirements. He said his firm can put that and the removal of items on letterhead. Ms. Taylor will submit photos.

Commissioner Walsh asked if they submitted a well closure report to DCNR. Mr. Albertson said no because it is residential well and not required.

President Martin asked Mr. Fraser if a letter of verification and photos be sufficient. Mr. Fraser said yes. Mr. Fraser asked if there was a guarantee letter for the grass to grow. He said if they get a guarantee for a year, that is acceptable.

Mr. Reichard said the Parks Director had a concern about the integrity of existing pavement around the house and he is not sure of the status of the concern.

Craig Roland, of 29 Junction Road, Dillsburg

Mr. Roland said that the pavement was cracked before they got there and there is a spring under one corner. Mr. Roland said he does not see a reason to have it patched up. He said if it does stay, we can make some contingency to patch it up down the road when you have the ground plans for the park. He said that to move the structure, they had to cut out a portion of it. President Martin said he would hope that the condition of the driveway, the asphalt would be returned to its previous condition if not better. Mr. Roland said it was busted, broken. Ms. Taylor asked what the plan was for that area. President Martin said it is to be determined. Ms. Taylor said the Township was going to tear the house down, so what would have happened then. She said that if the Township does not know what they are doing with it, why would they fix it. President Martin said they can look at it when they inspect it and determine if it is useable. Mr. Reichard said he will consult with the Park Director to make sure it is suitable. Mr. Roland said it would be excessive to repair what is there because of what was already damaged.

President Martin asked if there was any damage to McCormick Road crossing over. The Township will inspect the road.

Vice President Castranio made a **MOTION** that the Board release 75% of the escrow amount to Mr. and Mrs. Taylor with the remaining balance to be released upon the completion and satisfactory inspections of the remediations from the Township Engineer including that the foundation and cellar wall was completely removed, the well was capped within the regulatory standards, that the seeding will be done and stabilized with a year warranty and that the Township Engineer and staff will look at the submittal and respond within 20 days., **SECONDED** by Commissioner Walsh. The motion carried unanimously.

## **PARK AND RECREATION COMMITTEE**

There is a meeting February 24, 2024, at 6:30 p.m. There will be a presentation regarding Grantham Pond.

## **MISCELLANEOUS**

### **Solicitor Update**

Mr. Feinour shared that the Commonwealth Court in an unpublished decision issued on January 9, 2024, addressed the recent amendment to the liquor code regarding amplified music in the case of the Pennsylvania State Police Borough of Liquor Enforcement against Wood Brothers Bar in Philadelphia. The Liquor Control Board issued citations for violations of the amplified music act 65 of 2022. An appeal was taken, went to an administrative law judge and then to the Court of Common Pleas of Philadelphia County. The citations were affirmed. The licensee appealed at the Commonwealth Court and the Court overturned the decision based on the testimony that was presented whereby the Borough did not have approved decibel readings to back up the Liquor Enforcement Officer's claim that it was exceeding the requisite decibel level or was too loud. That is still being addressed on further appeal.

### **Tax Collection Committee (TCC) Update**

There was no report.

### **Capital Region COG Update**

The annual dinner was on Monday night.

### **Municipal Advisory Board (MAB) Update**

Meeting at the end of the month.

### **Pennsylvania State Association of Township Commissioners (PSATC) Update**

There was no report.

### **PUBLIC COMMENT**

Jim Cochran, of 384 Allison Avenue

He shared that Mr. Malios came up to him, gave him his card and said that if the Township would like them to donate 5C to the Township, the wetland piece, they would be happy to do it. Mr. Malios asked him to give his card to the Board of Commissioners. Ms. Boyer said it is the lot that cannot be developed. President Martin wants all the R1 land for the Township.

Vice President Castranio made a **MOTION** to adjourn the meeting at 10:06 p.m., **SECONDED** by Commissioner Fairchild. The motion carried unanimously.