

**UPPER ALLEN TOWNSHIP  
BOARD OF COMMISSIONERS II MEETING  
December 18<sup>th</sup>, 2024 - 6:30 P.M.**

**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  
Tim Wendling, Asst. Twp Mgr.  
Andrew Parsons, Police Chief  
Jennifer Boyer, Comm Dev Director  
Tom Shumberger, Chief, UAT Fire  
J. Stephen Feinour, Solicitor  
Jason Reichard, Engineer  
Alexis Minana, Recording Secretary

**CALL TO ORDER**

President Martin called the meeting to order at 6:39 p.m. A moment of silence was observed followed by the Pledge of Allegiance to the flag. Mr. Fraser performed roll call—all Commissioners were present.

**PRESIDENT'S ANNOUNCEMENTS**

President Martin recognized Tom Austin who passed recently—Mr. Austin was the founder and CEO of Transportation Resources Group, the Township's traffic engineer. He offered condolences to Mr. Austin's family.

President Martin commended Township staff for their work, and announced that Barry Cupp, Director of the Sewer Department, would be retiring at the end of 2024. Mr. Cupp has been with the Sewer Department for over 20 years, and was there at its inception, when it was split off from Public Works. President Martin listed some of Mr. Cupp's accomplishments in his time at the Township. Vice President Castranio also noted that Mr. Cupp has kept sewer rates very competitive, even with DEP requirements. President Martin thanked Mr. Cupp for his service. Mr. Cupp spoke briefly and fondly of his time at the Township.

**CONSIDERATION OF MINUTES**

The meeting minutes from November 20<sup>th</sup>, 2024, were considered. Commissioner Fairchild outlined several amendments he wanted to see to the minutes. Commissioner Walsh made a **MOTION** to approve the minutes with the suggested amendments, **SECONDED** by Mr. Castranio. It passed unanimously (5-0).

Mr. Jim Cochran, 384 Alison Avenue, wanted the record to reflect more accurately the events which took place on November 20<sup>th</sup>. At one point, while Mr. Cochran was speaking at the podium, he was interrupted forcefully by another resident, Mr. Gene Schlegel. Mr. Schlegel refused to sit down and let Mr. Cochran continue speaking—Police Chief Parsons had to intervene to get Mr. Schlegel to sit down. There was discussion among the Board whether to add

this to the minutes. Mr. Feinour deemed it an accurate representation of the events of that night. Commissioner Walsh made a **MOTION** to amend the minutes to include Mr. Cochran's description of the events at that time. Mr. Cochran's statement was added to the minutes as an addendum. Vice President Castranio **SECONDED** the motion and it carried unanimously (5-0).

### **RECOGNITION OF VISITORS**

Mr. Ray White, 21 Hemlock Drive, came to the Board with two questions: he wanted to know when the Zoning Hearing Board agenda for January 9<sup>th</sup>, 2025, would be posted to the website; he also inquired about the Market Street property (currently a horse farm), and he wanted to see their Zoning application.

Ms. Boyer explained that the deadline for ZHB cases is three weeks prior to the meeting. Once that deadline passes, an agenda will be created and posted. Ms. Boyer also explained that ZHB applications are not posted online (land development plans are posted, but the developer is not at that stage yet). The developer is requesting a special exception to determine if they can use the property as a contractor shop yard and office. She told Mr. White he could view the application by visiting the Township office—because it is such a large PDF, it is difficult to send out electronically.

### **CONSENT AGENDA**

The consent agenda consisted of: staff reports, bills in the amount of \$1,588,549.59, and a request to reduce the financial security for Orchard Glen, Final Phase 6. These items were to be considered together.

Commissioner Fairchild had a question about the Engineer's Report, which stated that Kinsley's work at Generations Park was 95% complete. He wanted to know if the trails that were installed, which were wider than what had been specified in the plans (9 feet versus 8 feet), would be paid for. Would Kinsley absorb the cost of the extra materials used? Per Mr. Reichard, Kinsley will indeed absorb the cost as it was their decision to make the paths wider. They will not be asking for more money from the Township.

Commissioner Fairchild presented some information to the public regarding the invoice distribution report. The largest bill was to Mason-Dixon contractors in the amount of \$609,970 for the Lisburn Trunk project; the second largest bill was to Pennsy Supply for \$393,289 for streets and roads; and of note was the payment to Johnson Controls of \$43,708, which is for HVAC system repairs at the Township building. That project will end up being almost \$1 million dollars.

Vice President Castranio **MOVED** to approve the consent agenda as presented, **SECONDED** by Commissioner Anderson. The motion passed unanimously (5-0).

### **PUBLIC SAFETY**

#### **UAT Fire Department**

The Fire Department brought before the Board a request to purchase a 2024 Chevy Tahoe. This is a budgeted expense (at \$80,000). The Township must reserve the vehicle now to receive it in January of 2025—it will not be paid for until 2025. The Tahoe itself costs \$54,000, and further outfitting the vehicle (with lights, sirens, radio installation, command box, graphics) will cost \$26,571.76. The truck has been reserved at Whitmoyer Chevrolet and will be purchased through the COSTARS program. The Tahoe will be the Deputy Chief's. The total cost will be \$80,571.76. Commissioner Walsh made a **MOTION** to authorize the purchase of a 2024 Chevy Tahoe from Whitmoyer Chevrolet under the COSTARS agreement, outfitting costs not to exceed a total of \$80,571.76. Vice President Castranio **SECONDED** the motion, which passed unanimously (5-0).

Chief Shumberger reported that there were 65 calls made in November with total average manpower at 7.43. As of December 9<sup>th</sup>, the UATFD has reached over 700 calls, which is a new all-time high.

Chief Shumberger also mentioned that on December 14<sup>th</sup> and 15<sup>th</sup>, the Fire Department made rounds through the Township with Santa. President Martin thanked him for doing this fun annual event. He praised the all-volunteer fire fighting force for their hard work and sacrifice.

### **UAT Police Department**

The UATPD just completed their mock accreditation assessment for law enforcement professionals, and reviewed policies and proofs. The next assessment is in March of 2025, which will be the 5<sup>th</sup> assessment process the UATPD has gone through.

Chief Parsons announced that Officer Citron will graduate from the Police Academy on Saturday, December 21st, 2024.

### **PLANNING AND ZONING**

The first item for the Board to consider was the P/F Sub/LD Plan for 24 Kim Acres Drive and to issue a Street Opening Permit, UAT File # PZ2406-06. This was first discussed at the November 20<sup>th</sup> meeting of the BOC, where there was a dispute about property line boundaries between the applicant and the neighboring property owner. A 30-day time extension was granted to work out this dispute. Both the applicant and property owner worked with their surveyors and the issue was resolved to both parties' satisfaction.

Ms. Boyer informed the Board that this plan is now back before them and that it contains two waiver requests, a modification request, and deferral request. There is a request for a street opening permit as well. Josh Boulton, of Pioneer Management representing LCW Holdings Land and Weaver, came to represent the same. Mr. Todd Trautz, 414 Allegheny Drive, who is the property owner in the dispute, came forward to thank Ms. Boyer, the Commissioners, and Pioneer and their client for facilitating the discussion and resolution. Mr. Castranio called the land development plan a "clean plan," noting it had only administrative comments and two waivers. Mr. Martin explained this is a lot with a residence on it currently that they want to subdivide to build a SFR on the newly delineated lot.

Commissioner Walsh made a **MOTION** to approve the waiver request for Section 220-

5.2.B.(12) regarding widening of the streets for both Allegheny Drive and Kim Acres Drive. Vice President Castranio **SECONDED** the motion, which then passed unanimously (5-0).

Commissioner Walsh made a **MOTION** to approve the waiver request for Section 220-5.2.B.(15) where development which requires construction within the existing rights-of-way, the Township may require construction of a new full width wearing course along the entire frontage and/or disturbed area. The Applicant will need to secure a Street Opening Permit to install appropriate water and sewer infrastructure on Kim Acres Drive and tie in the driveway to Allegheny Drive, in accordance with Chapter 217. Separate approval from the Board of Commissioners is required for a Street Opening Permit for work on Allegheny Drive since it was paved less than five years ago. The motion was **SECONDED** by Vice President Castranio. It passed unanimously (5-0).

Commissioner Walsh made a **MOTION** to approve the modification request for Section 220-3.5.C(2)(FF) to require façade plans, elevation plans and floor plans be submitted as part of the building permit application instead of the preliminary plan approval. Vice President Castranio **SECONDED** the motion, which passed unanimously (5-0).

Commissioner Walsh **MOVED** to approve the preliminary/final subdivision plan for 24 Kim Acres Drive, Upper Allen Township File #PZ2406-06 with the 18 conditions referenced in the staff memo dated December 10<sup>th</sup>, 2024. Since there are conditions, the plan will be rejected unless the owner agrees in writing within 30 days to comply with and abide by the specific approval. Vice President Castranio **SECONDED** the motion and it passed unanimously (5-0).

Commissioner Anderson left the meeting at 7:05 p.m.

Commissioner Walsh then **MOVED** to approve the deferral request for Section 220-5.3.A(2) to not install curbing along Allegheny Drive and Kim Acres Drive until such time as the Township deems the improvement necessary. If approved, the future improvements must be shown in the final plan. Vice President Castranio **SECONDED** the motion, and it passed unanimously (4-0).

Next before the Board came the consideration of adoption of a Resolution to update the Township Agricultural Security Area to include portions of 755 Eppley Road. This issue was addressed prior to this BOC meeting in a public hearing—no public were present for the hearing. Commissioner Fairchild made a **MOTION** to adopt Resolution 1103 to amend the Township Agricultural Security Area and add two parcels totaling 8.7 acres. Commissioner Walsh **SECONDED** the motion, which passed unanimously (4-0).

The final item in Planning & Zoning was consideration of a time extension for Banzhoff Subdivision Plan for Lots 2A, 5C & 6D, UAT File # 23-10-02. A representative for the applicant came before the Board earlier this year to request a time extension to expire on January 16<sup>th</sup>, 2025, which they were granted. The request before the Board tonight was for a new time extension request for 180 days which will take the deadline out to July 15<sup>th</sup>, 2025. John Juffe with Freedom Development came to represent the applicant. Mr. Mawad is the current owner. Freedom Development had to do a re-delineating of all the wetlands as a condition of his letter. Rather than just addressing his property, Freedom elected to do the entire area and they are the contract purchaser of the other side as well. This process took longer than anticipated, hence the request for another extension. President Martin wanted to ensure that if the extension were to be

granted, they could complete their work within the new time frame.

Vice President Castranio wanted to make clear that this is a subdivision plan, not the development plan for the townhomes—that is separate. Ms. Boyer affirmed and explained that the Board was only considering the small strip of land between Gettysburg Pike and Route 15 (not the Grantham side).

Commissioner Fairchild addressed Mr. Juffe, asking why he came to the Board in December, rather than to wait until closer to the first extension's deadline. Mr. Juffe replied that with the Holidays, they know they won't have time to get everything buttoned up. Commissioner Fairchild wondered if the time extension could be shorter. Per President Martin, extensions vary widely and can go from 45 days up to a year. Mr. Juffe expressed the desire to keep it at 180 days. It was established that Freedom Development is working off the same plan that was presented and approved by the Board previously. Commissioner Fairchild stated he had hoped for improvements to the plan.

Ms. Beth Transue, 904 Grantham Road, objected on principle, noting that the original language from the previous extension stated that, if the requirements weren't met by January 16<sup>th</sup>, 2025, it would result in denial. President Martin replied that it is customary, when a landowner or developer grants an extension, the Board must act positively or negatively. If positive, there is always a caveat that it must be recorded.

Mr. Mike Cosby, 907 Grantham Road, wanted to know the status of the Banzhoff tract on the East side of Route 15. Ms. Boyer explained that for that tract (on the Grantham side of the road), there is not yet a plan which has been presented, so there is no applicable time extension. The developer does have preliminary plan approval but has yet to present final plans.

Robin Banks, 835 Grantham Road, expressed frustration with the length of this project, estimating that it started in 2010. She worried about continued extensions. This is the second extension given for this project. She was upset about the length of the project and wanted to know how it will ultimately impact herself and other locals. She also said she felt that these issues are not clearly delineated on the published agendas.

Mr. John Banks, 835 Grantham Road, asked for clarification on the tracts of land on the West side of Gettysburg Pike—were they two tracts or one? The developer replied that it is one. Mr. Banks shared Ms. Banks's frustration with the timeline for the project. He wanted to know if the West side would be immediately impacted. Vice President Castranio explained that the developer has yet to file a final plan for the townhomes, which will go through the process again. Commissioner Fairchild again asked the developer if this would be the last time extension and stated that deadlines sometimes force progress. Mr. Juffe was confident that it would be, though he was careful not to make any promises. Vice President Castranio pointed out that the applicant could simply file the same plan again; they would just have to pay the application fee. There is nothing then to keep that plan from being approved. The whole plan would go through the approval process again.

Commissioner Walsh made a **MOTION** to approve the 180-day time extension for the conditional approval of the preliminary/final subdivision plan for the Banzhoff tracts, lots 2A, 5C, and 6D, UAT File #23-10-02. Condition 9 is hereby amended to require the applicant to

satisfy all the condition of the approval of the plan and record the plan within 180 days from this approval, or no later than July 15<sup>th</sup>, 2025, or else the plan will be considered disapproved. All other conditions of approval shall remain. Vice President Castranio **SECONDED** the motion. It passed unanimously (4-0).

Ms. Boyer announced that there will be a Planning Commission meeting on December 30<sup>th</sup>. There will be a public hearing on January 8<sup>th</sup>, 2025, at 6:00 p.m. for the Allendale Road street vacation process.

### **PUBLIC IMPROVEMENTS**

Mr. Fraser brought before the Board a request to advertise for the Green Light Go traffic signal improvement project. The 2025 budget allocates \$750,000 for this project. The Board may act in January or early February. Per Mr. Fraser, the project should be done by May 15<sup>th</sup>, 2025.

Vice President Castranio **MOVED** that the Board authorize the appropriate Township staff to advertise the Green Light Go Traffic Signal Improvement Project. It was **SECONDED** by Commissioner Walsh.

Commissioner Fairchild inquired about the documents distributed, wondering why much of the information there was dated 2022. Mr. Fraser explained that he was looking at the grant application, which was filed in 2022. It was established that this is not an annual project, but a discrete, independent project. Mr. Fraser explained the application has a three-year life span. The application from 2022 is just now being approved, so the work will be done in 2024/2025.

President Martin called for a vote on Vice President Castranio's previous motion. All voted yes (4-0).

### **SANITARY SEWER**

Mr. Joel Kostelac, of GHD, the Township's sewer engineer, came to the Board with new rates for 2025. The average increase for staff is approximately 4% while the average increase across all GHD categories is approximately 4.9%. Mr. Kostelac explained that there is an annual service retainer as well as needed billed services (typically not a substantial amount). GHD is involved with two projects at the Township currently: the Lisburn Trunk Sewer project, largely complete; and the dewatering project at the Wastewater Treatment Plant, which is projected to come in under budget. If billing hours stay consistent in 2025, there will be an increase in about \$1200 for the year. Commissioner Fairchild commented that Mr. Kostelac is a pleasure to work with on the Sewer Advisory Board.

Commissioner Walsh **MOVED** to approve the proposed rates for GHD as listed in their letter dated December 10<sup>th</sup>, 2024, for the upcoming year. Commissioner Fairchild **SECONDED** the motion, which passed unanimously (4-0).

Mr. Kostelac took a moment to thank Mr. Cupp for his work in the Township and praised him for his dedication and knowledgeability.

The next item for consideration was the appointment of Mr. Chris Shover, 7 Mimosa Drive, to

the Sewer Advisory Board, with a term to begin January 1<sup>st</sup>, 2025. Mr. Cupp had previously interviewed Mr. Shover but he was not selected at that time. Mr. Cupp reached out to him again and he confirmed his desire to serve on the SAB. Mr. Shover has a long history of experience within the wastewater industry. The SAB recommended his appointment. Commissioner Fairchild spoke in favor of appointing Mr. Shover. Commissioner Fairchild then made a **MOTION** to appoint Christopher Shover to end December 31<sup>st</sup>, 2029. The motion was **SECONDED** by Commissioner Walsh. It passed unanimously (4-0).

### ADMINISTRATION

Mr. Fraser presented the budget summary for November. Per Mr. Fraser, the general fund net position is \$1,983,000. Expenditures of \$812,000 exceeded revenues of \$697,000. Most expenditures in the general fund were related to personnel. Most revenue was related to real estate transfer and earned income. The sewer net position is \$601,000. Both major funds will drop in December as the Township makes its annual transfers to the supporting capital funds.

The next item before the Board was consideration of an ordinance adopting the budget for the 2025 Calendar Year, authorizing expenditures and levying taxes. According to Mr. Fraser, the proposed 2025 Township budget includes \$30,452,120 which is held in 14 funds. There is no proposed tax change: millage will remain at 2.75 mils for property owners in the Township and there is no fee increase recommended. The Board was now able to take action on the budget. There were two ordinances for consideration, one establishing the amounts and the other establishing the ability to spend the money.

Commissioner Fairchild thanked Mr. Fraser for being highly descriptive in his memo regarding capital reserve fund expenditures.

Vice President Castranio **MOVED** that the Board adopt Ordinance 842 of the Township of Upper Allen, Cumberland County, Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government here and after set forth during the calendar year 2025. Commissioner Walsh **SECONDED** the motion, which then passed unanimously (4-0).

Vice President Castranio made a **MOTION** to adopt Ordinance 843 in ordinance of the Township of Upper Allen in Cumberland County, Pennsylvania, adopting the budget for the 2025 calendar year, authorizing expenditures and levying taxes. Commissioner Walsh **SECONDED** the motion, which passed unanimously (4-0).

Township staff brought before the Board a consideration to amend the Schedule of Fees, to take effect immediately. Per Mr. Fraser, the changes are minor, related to tax office fees as well as zoning permits. President Martin commented that certain fees listed on the proposed schedule were too low. He pointed to police items such as parking in a fire lane or handicap parking stall (it's currently a \$50 dollar fine—President Martin suggested that it be \$100 at minimum). He also said that the soliciting rates are too low at \$15 and should be substantially increased. Finally, he stated that the amount the Township charges for copies, at .25¢ per copy is too low. Mr. Fraser said he would investigate what could be changed and what fees are dictated by ordinance; he said he would work to complete this review and bring his findings back before the Board. Right-to-know charges are statutory across the Commonwealth.

Commissioner Fairchild inquired about the way in which the Township reimburses the tax collector, Sharon Shipman, for her expenses. Mr. Fraser explained that she has a maximum cap of \$3,000 reimbursement and gets a salary of \$7,000.

Vice President Castranio made a **MOTION** to adopt Resolution 1104 establishing a revised general Township schedule of fees. Commissioner Walsh **SECONDED** the motion and Resolution 1104 was adopted unanimously, (4-0).

Mr. Feinour, of Cohen Seglias (the Township solicitor) brought before the Board proposed rate increases, to become effective January 1<sup>st</sup>, 2025. In a memo to the Board dated December 3<sup>rd</sup>, 2024, proposed rate increases were outlined:

**Partner Hourly Rate:** \$195.00 (previous rate: \$180.00/hour)  
**Associate Hourly Rate:** \$165.00 (previous rate: \$150.00/hour)  
**Annual Retainer Paid Quarterly for Upper Allen Township:** \$9,500.00  
(previous rate: \$9,000.00)

According to Mr. Feinour, these rates are highly discounted versus the firm's non-municipal rates and competitive with other municipal rates in the area. President Martin praised Mr. Feinour's work with the Township. Commissioner Fairchild echoed this sentiment. Vice President Castranio made a **MOTION** to approve the Township solicitor's rates for 2025 as presented in the memo dated December 3<sup>rd</sup>, 2024. Commissioner Walsh **SECONDED** the motion. It passed unanimously (4-0).

Next before the Board was a consideration of proposed 2025 engineer's rates with the Township's engineering firm, C.S. Davidson. In a memo dated November 14<sup>th</sup>, 2024, they outlined their proposed rate increases—they projected an overall increase of 8.7%. Vice President Castranio **MOVED** to approve the Township engineering rates for C.S. Davidson, as presented in their November 14<sup>th</sup>, 2024 memo. Commissioner Walsh **SECONDED** the motion, which passed unanimously (4-0).

The next item before the Board was consideration of a resolution establishing a policy to implement and apply Governmental Accounting Standards Board (GASB) Statement 54. This resolution is passed annually and is required by the Township auditor to demonstrate compliance with statement 54. Vice President Castranio made a **MOTION** to adopt Resolution 1105, a resolution of the Board of Commissioners of Upper Allen Township, Cumberland County, establishing a policy to implement and apply Governmental Accounting Standard's Board Statement 54. Commissioner Walsh **SECONDED** the motion.

Commissioner Fairchild inquired about the 2021 bond proceed fund related to recreational improvements (not included in this resolution)—will that fund run out? Mr. Fraser said that when it hits the end of its approved uses, it will disappear—it doesn't receive new revenue and is for designated purposes. Mr. Fraser went on to say this bond fund would be cleared out when final payments are made for Generations Park, but there is likely to be residual, which the Board could then repurpose.

The GASB 54 Resolution 1105 passed unanimously (4-0).

The Board then considered the re-appointment of [Commissioner] Phil Walsh to the Upper Allen Township Stormwater Authority, to serve a 5-year term. Commissioner Walsh recused himself from the discussion and vote. President Martin asked if Mr. Cochran, Chairman of the SWA, supported Mr. Walsh's re-appointment, which he did. Vice President Castranio **MOVED** to re-appoint Mr. Walsh for a term to end on December 31<sup>st</sup>, 2029. Commissioner Fairchild **SECONDED** the motion, which passed unanimously (3-1-0).

Volunteer appointments for 2025 were considered, with 3 re-appointments on the docket. These were considered as one. Ms. Amanda Parrish and Mr. Robert Siodlowski were re-appointed to the Planning Commission for 4-year terms to end December 31<sup>st</sup>, 2028. Mr. David Gabel was re-appointed to the Zoning Hearing Board for a 5-year term to end on December 31<sup>st</sup>, 2029. Vice President Castranio made a **MOTION, SECONDED** by Commissioner Walsh, to re-appoint all three, which passed unanimously (4-0).

### **PARK & RECREATION**

Mr. Wendling announced that the December 23, 2024 meeting of the Park and Recreation Board has been cancelled and they will next convene on January 29<sup>th</sup> at 6:30 p.m.

Mr. Wendling presented a memo from Chad Krebs, Parks Director, who was seeking funding for a park storage building at Winding Hill Park North. The proposed action before the Board tonight was to authorize Township staff to advertise for bids via the PENN BID program. \$200,000 is budgeted for this project. The facility will be 40 x 80 feet and will house numerous pieces of equipment currently being housed outdoors. Commissioner Walsh made a **MOTION** to authorize the appropriate Township staff to advertise the park storage building for bids using the PENN BID program. Vice President Castranio **SECONDED** the motion.

Commissioner Fairchild commented that he wished the Board had been more informed of the process and proposed plans earlier on.

By a vote, Commissioner Walsh's motion passed unanimously (4-0).

### **ADMINISTRATION (ctd.)**

President Martin announced that Mr. Fraser and Chief Parson have undergone their annual review by the Board of Commissioners. This entails assessing their 2024 goals and achievements, and making goals for 2025. Both individuals had extremely favorable reviews. Per Mr. Martin, the Board is pleased with the progress they've seen as well as the energy, foresight and strategic planning. He also noted their good relationship with their staff.

### **MISCELLANEOUS**

#### **CapCOG**

President Martin announced that the annual CapCOG dinner would be on January 20<sup>th</sup>, 2025 to begin at 5:30 p/m/ at the Best Western Premier in Harrisburg.

There were no further updates nor further discussion. At 8:31 p.m. the Board convened an Executive Session to discuss matters covered by attorney client privilege. At 8:50 p.m., Commissioner Walsh made a **MOTION** to adjourn the meeting, **SECONDED** by Commissioner Fairchild. The meeting was adjourned (4-0).