

**MINUTES
UPPER ALLEN TOWNSHIP
BOARD OF COMMISSIONERS
6:30 P.M. November 1, 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, Comm Dev Director
Barry Cupp, Sewer Dept. Manager (Absent)
J. Stephen Feinour, Solicitor
Jason Reichard, Engineer (Absent)
Tom Shumberger, Fire Chief

CALL TO ORDER

President Martin called the Board of Commissioners regular meeting to order at 6:00 p.m. A moment of silence was held, and the Pledge of Allegiance was recited by all. Roll call was taken by Mr. Fraser.

PRESIDENT'S ANNOUNCEMENTS

Kelly Palmer

President Martin shared that Assistant Township Manager, Kelly Palmer, is leaving. Her last day is November 8, 2023. He wished her well and thanked her for her service. He said Ms. Palmer has shown professionalism, made many contributions to the Township and the Board of Commissioners wishes her nothing but the best.

Resolution 1088

President Martin said that at the last meeting we recognized Tonya Brown with a resolution for her service to recreation in the Township. He said that we referenced that we would pass Resolution 1088 and we did not make a motion that evening.

Commissioner Cochran made a **MOTION** to pass Resolution 1088 honoring Tonya Brown for her 40 years of service to the residents of Upper Allen Township, **SECONDED** by Commission Anderson. The motion carried unanimously.

PRESIDENT'S RECOGNITION OF VISITORS

Eric Fairchild of 1224 McCormick Road

Mr. Fairchild shared that there is an Upper Allen Community group Facebook page which shows 3600 members. He said it is now being manipulated for the political benefit of the incumbents seeking re-election. He said that as the Board knows, he is a candidate and there is an election next week.

Mr. Fairchild said this page is administered by a Niccole Drabenstadt and lately she has taken to removing posts that he has made, limiting anybody's ability to comment on a post that he makes and declining posts that he submits. Meanwhile she seems to run all kinds of posts from Jim Cochran. He said that Commissioner Cochran has quite a group of vociferous supporters who are really kind of way out there in his opinion. Mr. Fairchild said that there are really a lot of derogatory remarks directed toward him. He said he does not think this does us any good, it just puts more stress on this election. He said he does not think this group is operating or presenting themselves as a community group but really trying to censor people and control comment and he said he did not think that was ethical, fair or legal or anything and he wanted to bring it to the Board's attention. He said as an example, Commissioner Cochran had a post about finances and of course you all know we have another website established and we have a section on finances. He said that just today that post that had a 10-year comparison of Upper Allen taxes to Hampden Township taxes, out of the respective financial reports, you know the schedules in the back. It did not say very much other than you can verify the information by going to the respective websites, menu, township, documents and so forth and that post was declined. He said he just does not think it does us any good and if the Township has any influence or ability to work with this group to get them to do the right thing, I think probably anything any of us say as candidates can be viewed as political at this stage. He asked how we achieve some fairness in that.

President Martin said that he was not aware that your posts are being denied. He said he wants to establish for the record, that is not an activity of the Township, nor is it endorsed by the Township. He said he does not know if he even knows the moderator of that Facebook page, so he said he hears Mr. Fairchild, but he does not think Mr. Fairchild is addressing the correct body because the Township has no influence over that Facebook page. Mr. Fairchild said that they are kind of really manipulating the electorate of the Township and they should be protected from that. Mr. Fairchild said he is not sure some people know it is not as objective of a community group as it may appear. President Martin said he understands the concern, and probably all of us have been mentioned on that page at one point or another, but he is not sure what Mr. Fairchild is requesting of the Township to do that is appropriate.

Commissioner Cochran said that he has a concern because you have posted things and then no comments were permitted as to whether they were true or false. He said he posts things and people get on there and hammer him left and right, that does not seem fair to me. He said you can make a post and he has no control over her. Commissioner Cochran said he does not know the woman, he has never met her, but you make a post and suddenly she turns off the comments. He said he makes a post and they let the comments roll. He said he has been posting on that website for at least two or perhaps three years. He said he answers questions from Township residents, he posts information that the Township has from their meetings and he gets a lot of flack and I get some praise. He said the only things he has posted on there was information that is verifiable at the Township. He said he does not say anything negative about campaigns, he does not even talk about campaigns. He said that when someone posted information that says something about school district taxes being such and such, he has mentioned that the Township does not have control over school district taxes. He has shared the Township taxes, what we have done over the last 10 years, and he compared Upper Allen Township to other Townships. We are at 2.65, Lower Allen is at 4, Mechanicsburg Borough is at 4 and he did say that Hampden is at 1.56. That is because they have Carlisle Pike. If we had a Carlisle Pike, Upper Allen Township could do that too. He said we do not, and we never will and he does not think that most people that live here would want a Carlisle Pike. He said he has been making comments on that website for a couple years. He posts basically

the same kind of things. People ask questions about the Township, and he answers them. He said he does not know the moderator and his very last post after he was hammered by a couple people, then she turned off comments on that one too. Mr. Fairchild said that would be the fairer thing to do, either allow comment... it just seems kind of arbitrary. Commissioner Cochran said it did to him too and he thought he was being disadvantaged to be honest. Mr. Fairchild said that in fairness, they are allowed to hammer both of us, that is the nature of the position.

President Martin thanked Mr. Fairchild for bringing it to their attention. He asked Mr. Fairchild if he has contacted Niccole Drabenstadt. Mr. Fairchild said that he did the other day, asking for a reason why the comments were turned off his posts and she did not respond. Mr. Fairchild said he did not think that was good. Commissioner Cochran said that previously there had been a different moderator and he thinks she has been moderator for maybe two years. He said he does not know the woman and would not know her if she walked in here and sat down. President Martin asked if she was acting as an individual or is she acting representing someone/party. Commissioner Cochran said there was a different person, female, and he does not recall her name, who started Upper Allen Township Community Group. She got tired of taking flack from people about what she would and would not allow on the Facebook page and she said she was stepping down and this woman is taking over and that is how she got there.

Mr. Fairchild said the other thing that seems to be is there is no real recourse to Facebook to be able to talk to a person. He said you can report a group for harassment or sexual harassment, but none of the boxes may fit. President Martin said it feels like there is little accountability on that medium. Mr. Fairchild said it is kind of like the wild west and it is just getting out of hand and makes us all look bad.

CONSIDERATION/APPROVAL OF MINUTES OF BOARD OF COMMISSIONERS MEETINGS

President Martin asked for any comments or corrections to the Minutes of the October 4, 2023, Board of Commissioners Meeting. There were none, and Commissioner Cochran made a **MOTION** to approve the Minutes of the October 4, 2023, Board of Commissioners Meeting, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

PUBLIC SAFETY COMMITTEE

POLICE DEPARTMENT

Consideration/Approval of College Course Work for Officer Robert Powers

Officer Robert Powers is requesting approval for a college course.

Commissioner Cochran made a **MOTION** to approve coursework for Officer Robert Powers, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

FIRE DEPARTMENT

Chief Shumberger said their old truck sold and they have received all the money. They will be sending a driver to pick it up. Commissioner Cochran asked if we have any liability until it is

picked up. Chief Shumberger said that it is still titled to us.

Chief Shumberger said they saw the new one last week. We left with 24 discrepancies that will be fixed by Friday. They are going to hire a driver to drive it in to us. It will take two to three weeks to mount all the equipment. Commissioner Cochran asked if there is a break in period if things do not work? Chief Shumberger said pretty much everything is good for one year. We did test it and found a couple of issues. We have a one-year warranty. We are hoping to have it in service by the 1st of December.

PLANNING AND ZONING COMMITTEE

2018 N. Fall Harvest Drive Zoning Hearing Board

Ms. Boyer shared that we have a meeting on November 9th. 2018 N. Fall Harvest drive is requesting a variance approval to put a fence within two easements. One is the development tract easement and the other is a stormwater. Commissioner Cochran said it is an unusual back yard and asked if the stormwater was underground. Ms. Boyer said it is a surface drainage swale. Commissioner Cochran said he would like to see some way to give them more use of their backyard, but they would need to understand that in the case of any issue, we may have to come in and tear up the fence and we are not going to pay for it. Ms. Boyer said that it is not a Township easement, it is actually in a private easement through the HOA. She said the same premise would apply because if any work needs to be done to ensure that the stormwater is channeling where it needs to go, this is why we do not allow things to be placed in easements because if work needs to be done whether it is underground or above ground, you have to go in.

President Martin asked if the Homeowners Association was aware of this. Ms. Boyer said they were. She said that whenever we are dealing with HOAs we always do ask for approval. Mr. Welt is waiting for that to come through. They also received notice of the hearing.

Vice President Castranio said he is more concerned why the drainage swale was not built where it was supposed to be, and do we have bonding for that we are holding until it is built correctly. Ms. Boyer said she spoke to the Township Engineer about that, and they are looking into it because it was supposed to be built correctly and there was something about how they depicted the swale to be was different than how it actually is out on the site and the angles do not really tell a perfect picture. The engineer is looking at that now to make sure that it is done correctly or not. Vice President Castranio asked if we should postpone the hearing until we know. Ms. Boyer is hoping to get a response before the hearing and if not, that is something we need to bring up at the hearing and it may be something that the zoning hearing board may ask for a continuance. They may start receiving testimony and have public comment, but then they may continue the hearing and not take any action if that is not resolved. Ms. Boyer said that even with the easement there, we brought up to the owner, if the drainage is truly in a different location and the easement is not necessary, then speaking to the developer to get a declaration and amending to take away part of the easement, but instead we are dealing with the variance request. Now we are trying to go through and figure out all the moving parts so that we can give the Zoning Hearing board all the answers.

Vice President Castranio said that none of the exhibits really show where they want to put the fence. Ms. Boyer said they did supply pictures.

President Martin said that Vice President Castranio mentioned, the homeowner should be aware that it would be inappropriate to build any fence until we resolve the stormwater. Ms. Boyer said they are aware that we are trying to correct this.

Ms. Boyer said there is a Planning Commission meeting on Monday November 27th.

PUBLIC IMPROVEMENTS COMMITTEE

There were no items for discussion.

SANITARY SEWER SYSTEM

There were no items for discussion.

ADMINISTRATION COMMITTEE

Review of Volunteer Board Terms that will expire December 21, 2023

There are two vacancies on Township Boards and Commissions next year. One on the Planning Commission and one on the Zoning Hearing Board.

The incumbents whose terms are expiring were both interested in being re-appointed. There were no others who expressed interest. Commissioner Cochran asked if they were both appointed to serve out someone else's term and Ms. Boyer said that was correct.

Commissioner Cochran made a **MOTION** to extend Barbara Roddin's term on the Planning Commission and Russ Buchan's term on the Zoning Hearing Board, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

PARK AND RECREATION COMMITTEE

Commissioner Cochran said that we continue to hear suggestions that this Board is trying to put some new soccer fields in the township. He shared that Keystone FC has placed 63 acres of ground in South Middleton Township under contract for their new soccer facility. It is zoned appropriately so they will not need any waiver like the other tract. They expect to close on that later this year or early 2024.

MISCELLANEOUS

Solicitor Update

There was no report.

Tax Collection Committee (TCC) Update

There was no report.

Capital Region COG Update

There was no report.

Municipal Advisory Board (MAB) Update

There was no report. Next meeting in January.

Pennsylvania State Association of Township Commissioners (PSATC) Update

There was no report.

There will be an executive session to get legal updates.

Vice President Castranio made a **MOTION** to adjourn the meeting at 7:24, **SECONDED** by Commissioner Anderson. The motion carried unanimously.