

**MINUTES
UPPER ALLEN TOWNSHIP
BOARD OF COMMISSIONER
6:30 P.M., NOVEMBER 15, 2023**

COMMISSIONERS

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

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 6:32 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 shared that we had an election on Nov 7th and he was proud of all the candidates for taking down their signs quickly.

**CONSIDERATION/APPROVAL OF MINUTES OF BOARD OF COMMISSIONERS
MEETINGS – OCTOBER 18, 2023**

President Martin asked for any comments or corrections to the Minutes of the October 18, 2023, Board of Commissioners Meeting. There was none and Commissioner Cochran made a **MOTION** to approve the Minutes of the October 18, 2023, Board of Commissioners meeting, **SECONDED** by Commissioner Walter. The motion carried unanimously.

PRESIDENT'S RECOGNITION OF VISITORS

Michael Hitcho, of 2473 Cocklin Court, Mechanicsburg
Mr. Hitcho came to address the noise from the Willows at Ashcombe. He shared that his concern is the bass and the shockwaves hitting his house and that it is not just the decibels. He has called the police on several occasions. He asked the Board of Commissioners to contact the owners and ask them to be more considerate and he wondered at the number of complaint calls that have been made to the police. President Martin said that we could ask the police department to compile the number of calls they have received to help show the severity. President Martin said that the Township will follow up on this. Commissioner Cochran asked Chief Parsons if the police had sound meters and he said they did not. President Martin suggested that we should get a measuring device. Vice President Martin suggested that a meeting needs to be set up between the owner and the Township staff.

Bernadette Stack, also of 2473 Cocklin Court Mechanicsburg
Ms. Stack shared that this is year-round problem that shows a lack of respect for community and local neighbors. She proposes that people send monthly reports to Ashcombe's with the number of complaints.

President Martin said that the Township does need to reach out to the proprietor on behalf of the residents.

Mike Goetz, of 1117 McCormick Road
Mr. Goetz shared that at McCormick Park, he sees recycled asphalt being placed where parking is. He is concerned that if it is paved, we will have increased stormwater problems. He offered a solution. Mr. Reichard said that the current conceptual proposal actually removes those areas of parking and returns them back to vegetative coverage. The concept calls for a one-way approach through the park and taking the current width of the roadway we would use one of the lanes to become the new parking lane. We would actually remove impervious surface throughout the process. It is just a concept at this point. Mr. Fraser thinks the park is using millings to fill potholes and will talk to them.

CONSENT AGENDA

Commissioner Cochran made a **MOTION** to approve the Consent Agenda as follows, **SECONDED** by Commissioner Walter. The motion carried unanimously.

Consideration/Approval of Staff Reports
Consideration/Approval of Bills in the Amount of \$624,951.76

Financial Security Release for Orchard Glen PRD, Phase 5. UAT File #14-01-02B

Commissioner Cochran made a **MOTION** to authorize the proper Township officials to release the financial security to the developer for Phase V of the Orchard Glen PRD development, UAT File #14-01-02B. The developer has already dedicated the necessary improvements to the Township; therefore, a maintenance bond is not required at this time, **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Financial Security Reduction for 151 Gettysburg Pike, UAT File # 20-06-01

Vice President Castranio stated that he would abstain from voting as his engineering firm did the work on this project.

Commissioner Cochran made a **MOTION** to reduce the financial security for 151 Gettysburg Pike, UAT File #20-06-01 from \$349,950.70 to \$29,755. Township staff shall release the current financial security to the developer after the developer provides an amendment to the current bond or posts with the Township new financial security in the reduced amount in a satisfactory form as provided for in the Subdivision and Land Development Ordinance, **SECONDED** by Commissioner Anderson. The motion carried 4-0 with Vice President Castranio abstaining.

PUBLIC SAFETY COMMITTEE

POLICE DEPARTMENT

Chief Parson shared that the two cars in the 2023 budget arrived last month. They are getting painted and having graphics put on them. He also extended thanks to the Upper Allen Woman's Club dropping off breakfast to say thank you for serving during pandemic.

Vice President Castranio noted the amount of public relation hours that were spent in the community.

FIRE DEPARTMENT

Chief Shumberger said that their old truck left last Monday and that the new truck arrived yesterday. It will be a month to get everything mounted and ready to go into service.

Commissioner Cochran asked Chief Shumberger to explain how the ladder truck is primarily used. Chief Shumberger said it is not a height issue as it is the setbacks in Upper Allen Township with the long front yards. By the time they span the front yard, we do not have much ladder left to go up to a two-story house. That is why it is a 100-foot ladder. He also said that with light weight construction with the gusset plates, if there is a fire in an attic, it is less than seven minutes for us to not be able to stand on a roof. We need to be able to ventilate the roofs.

PLANNING AND ZONING COMMITTEE

Consideration/Action of a Certificate of Appropriateness for 916 McCormick Road

The property owner of 916 McCormick Road has made an application for a Certificate of Appropriateness to perform repairs on their property. The property is located within the Township's Low-Density Residential (R-1) Zoning District and the Yellow Breeches Municipal Historic District. The Historical Architectural Review Board (HARB) reviewed the application at their October 17, 2023, meeting and unanimously recommended the Board of Commissioners approve the Applicants request.

Commission Anderson made a **MOTION** to grant a Certificate of Appropriateness to the property owner of 916 McCormick Road to replace the existing asphalt shingles on the roof with cedar shakes; repair the existing wood shutters and replace any, as necessary, to replicate the existing wood shutters; and install a new wood fence to match that of the existing wood fence. All work on the property is to be in accordance with applicable building codes and ordinances, and in accordance with the building design and specifications as submitted and reviewed by the Historical Architecture Review Board., **SECONDED** by Commissioner Cochran. The motion carried unanimously.

Consideration/Action of an Amendment to the Modwash Land Development Plan, UAT File # 21-11-29

On March 16, 2022, the Board of Commissioners conditionally approved a preliminary/final land development plan for ModWash. The plan proposed the construction of a 4,464 square foot

automated conveyor style car wash with vacuum facilities at the former PNC Bank site. The bank has since been demolished (September 2022). On March 15, 2023, the plan was reapproved, and the plan was recorded on August 22, 2023 (Instrument No. 202315936).

While the Applicant can start construction of the Modwash under the current recorded development plan, the Applicant would like to revise portions of the site design, which require them to record an amended plan. We ask that the Board of Commissioners review the design changes and consider acting on the revised plan.

The changes would include increasing the drive aisle width within the vacuum area from 24' to 28.8' (tapered to 27.3') and increasing the parking spaces from 19' to 20' in length to allow for more maneuverability. The changes would also include decreasing the overall width of the three stacking lanes from 33' to 31.5' when first coming into the site, as well as the curb between the stacking lanes and the vacuum area from 4' to 1.5'. The sidewalk width and distance between the vacuum area and the car wash conveyor building would also decrease by one foot. The overall increase in the impervious footprint between the original plan and the revised plan is minimal and the plan does not exceed the maximum allowable impervious coverage.

The Applicant has also agreed to incorporate some additional site improvements, to work with the township and the community to proactively address any potential noise and light concerns. The Applicant will install a six-foot (6') high white vinyl private fence 58 feet in length along the eastern side of the property near the exit of the car wash conveyor building, along with eight (8) Techny Eastern Arborvitae.

The Applicant will also include Hardie board enclosures, approximately seven feet (7') high, around the vacuum producers to possibly help reduce some noise produced by the equipment. It is unknown, at this time, how much the enclosure and material will help reduce the noise level produced by the vacuums. Staff asked for additional details or the use of other soundproofing materials, but nothing further has been provided at this time. Staff had also asked the Applicant to consider additional sound minimizing efforts for the air dryers/blowers near the end of the wash conveyor building. No additional measures are currently proposed.

Mr. Sean Delaney, of Stevens & Lee

We are proposing an enclosure for the vacuums. It is like what goes around a dumpster. Mr. Reichard said that it may project sound upward instead of out. Mr. Reichard did not know the decibel reduction of that material. Commissioner Cochran asked Mr. Feinour about the proposed ordinance for sound and if this project would be grandfathered in. Mr. Feinour said no. President Martin asked to confirm that if and when the sound ordinance was enacted, this use and applicant would fall under those regulations. Mr. Feinour said yes, as would all other businesses.

Vice President Castranio asked if the screen fence and the arborvitae along the northern property line could be extended. President Martin said it is not required, but it would be sympathetic to the neighborhood. Mr. Feinour said that the Township can put it as a condition of approval.

Eric Fairchild, of 1224 McCormick Road

Mr. Fairchild shared that he was elected as commissioner last week and will start serving in January. He said that as he was campaigning in that neighborhood, the noise is an issue. He said that the abutting neighbor, Jo-Jo's Pizza has its own land development plan that is going before

the planning commission. There could be a possibility to coordinate with them on some of the landscaping and improvements. He said he was surprised that we do not have any data on the noise. He said there should be a manufacturer spec for these vacuum producers, and we could compare that spec to like a field test of what these enclosures do. He said he has no idea what decibel level they are at. He asked how we could get the data before the Board takes further action and said we should have that data. President Martin said he does not know if there is a standard. Mr. Fairchild said there was a comment about updating the zoning ordinance with maybe more noise protection. President Martin said that yes, the Board was proposing a noise ordinance. Mr. Fairchild wondered how different entities in the same area could be required to be at different decibel levels. Commissioner Cochran said the noise ordinance would apply to everyone. Commissioner Cochran noted that he went to the Carlisle Pike Modwash location and there appears to be something wrong with the vacuum system. He said it sounds different now than when it opened, something has changed. He did say that he could not hear the sound after he got by the homes behind the storage units.

Mr. Fairchild said that he thinks we should quantify it either way. He stated that EPA has regulations about noise but apparently, they are not really enforced or they are not funded and that a lot of that legislation originated in the 1970's. He shared ABOUT the EPA and the Department of Environmental Protection in Pennsylvania and that he saw legislation proposed at state level, but he does not know if they have ever been enacted.

Commissioner Cochran said that during the original approval, we were told that Modwash would be open 8am to 8pm, 7 days a week and that there would be 3 people there at all times to handle complaints and the lights would be dim from 8pm to 8am.

Mr. Delaney said that we usually have a music system playing during the day and the employees are told what level to play it at. We are eliminating the sound system from this site.

Kristen Bisker, of 2115 Aspen Drive

Ms. Bisker asked if the entrance was on Aspen Drive. Commissioner Cochran told her it is on Kim Acres. She voiced concerns about the noise and lights.

Tom Frey, of 2206 Boxwood Lane

Mr. Frey expressed his concern about noise. He said he appreciates the changes that have been made to the sound system. He has been to the Carlisle Pike Modwash and said the sound is atrocious and is concerned about hearing that noise at his house. President Martin asked what suggestions he had. Mr. Frey suggested they reduce their hours and be closed on the weekends so they can have decent family outings in their backyards. He also suggested signs saying no loud music, no partying, no loitering.

Commissioner Cochran said that we two conditions, where leaving the vacuum area, the fence and arborvitae need to be extended. There was a site map projected and the required area was shown and confirmed.

Commissioner Anderson made a **MOTION** to approve the amended Preliminary/Final Land Development plan for ModWash, UAT File # 21-11-29, with the following conditions:

1. The Applicant shall also comply with all fees, taxes, utility rentals, building, police or fire codes, ordinances, resolutions, and regulations as may be in effect from time to time concerning the proposed development.
2. The Applicant shall pay such fees as are charged from time to time by Upper Allen Township for other further reviews or permits as may be required concerning the proposed development.
3. The Applicant must satisfy all conditions on the approval of the plan and the plan must be recorded within 180 days from the date of written conditional approval by the Board of Commissioners or the plan will be considered disapproved.
4. Upon approval of the final plan and prior to obtaining the county signature for final plan recording, the Applicant shall provide a CD to the County planning Office and the Township that includes a .dwg AutoCAD file that includes one drawing of all the lots on the plan, in accordance with Section 220-3.6.A.(14) of the Codified Ordinances of Upper Allen Township. The data shall include all tract and parcel boundaries, lot lines of all lots on the plan, building footprints, street rights-of-way (public and private), curbs, sidewalks, storm sewer infrastructure, sanitary sewer infrastructure, edge of pavement, hydrants, all utility or other easements (public and private), and any other data as required by the township and the county. The file shall be with a spatial projection of PA State Plan projections, PA South Zone (3702), MAD83 horizontal datum, NAVD88 vertical datum. Units shall be in US survey foot. A digital copy of the final plan in PDF shall also be submitted.
5. The extension of arborvitae and six-foot high privacy fence shall be extended westward along the side yard to the area of pavement striping (and “Do Not Enter” signs) are referenced on the plan.

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

SECONDED by Commissioner Walter. The motion carried unanimously.

President Martin said that Jo Jo’s should be aware and maybe some joint consultation and implementation of landscaping can occur.

There is a planning commission meeting November 27th at 7pm

PUBLIC IMPROVEMENTS COMMITTEE

Consideration/Adoption of an Ordinance to Accept N Autumn Chase Drive as a Public Street in Autumn Chase

We have received a request from the developer of Autumn Chase PRD that the Township accept North Autumn Chase Drive. At the October 18, 2023, Board of Commissioners’ meeting, the

Board agreed to consider accepting this street if all outstanding items were provided to the Township in an acceptable form no later than October 27, 2023. As of October 26, 2023, all outstanding items had been received and were deemed acceptable.

The developer has also agreed to amend their bond to 18 months from the date the Township accepts the street as a public street, and to amend the amount to \$237,851.70. This amount represents 15% of the installation costs of the dedicated facilities (N Autumn Chase Drive only).

The enclosed ordinance has been property advertised in The Carlisle Sentinel on November 7, 2023. A copy of the advertisement is on file at the Township building.

Vice President Castranio made a **MOTION** to adopt Ordinance #829 accepting North Autumn Chase Drive as a public street and amending certain sections within Chapter 233. The proper Township officials are hereby authorized to execute the deed upon receipt of the required maintenance financial security for \$237,851.70 to ensure the integrity and function of the dedicated facilities for eighteen months from the date of acceptance., **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Consideration/Adoption of an Ordinance to Accept Smoke House Drive as a Public Street in Winding Hills

We have received a request from the developer of Winding Hills that the Township accept Smoke House Drive. At the October 18, 2023, Board of Commissioners meeting, the Board agreed to consider accepting this street once the Township received a signed deed of dedication and a final as-built plan. The Township staff have since received these items and they are acceptable.

The developer has also agreed to provide financial security in the amount of \$57,604.50 for a period of 18 months from the date the Township accepts the street as a public street. This amount represents 15% of the installation costs of the dedicated facilities (Smoke House Drive.)

The enclosed ordinance has been property advertised in The Carlisle Sentinel on November 7, 2023. A copy of the advertisement is on file at the Township building.

Commissioner Castranio made a **MOTION** to adopt Ordinance #830 accepting Smoke House Drive as a public street and amending certain sections within chapter 233. The proper Township officials are hereby authorized to execute the deed upon receipt of the required maintenance financial security for \$57,604.50 to ensure the integrity and functioning of the dedicated facilities for eighteen months from the date of acceptance., **SECONDED** by Commissioner Anderson. The motion carried 4-0 with Vice President Castranio abstained from voting as he is employed by the engineering firm.

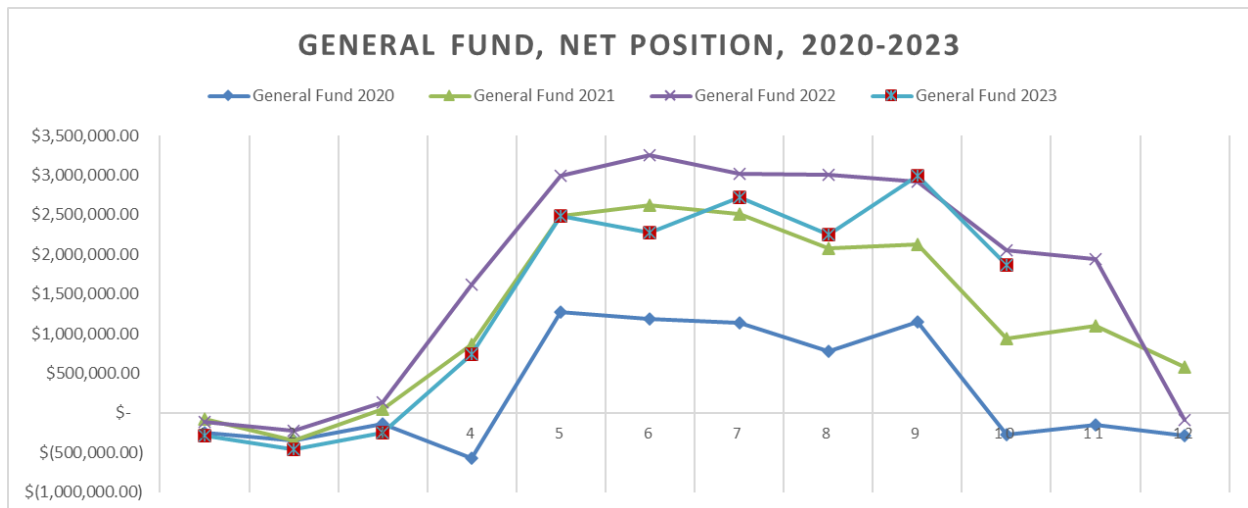
SANITARY SEWER SYSTEM

There were no items for discussion.

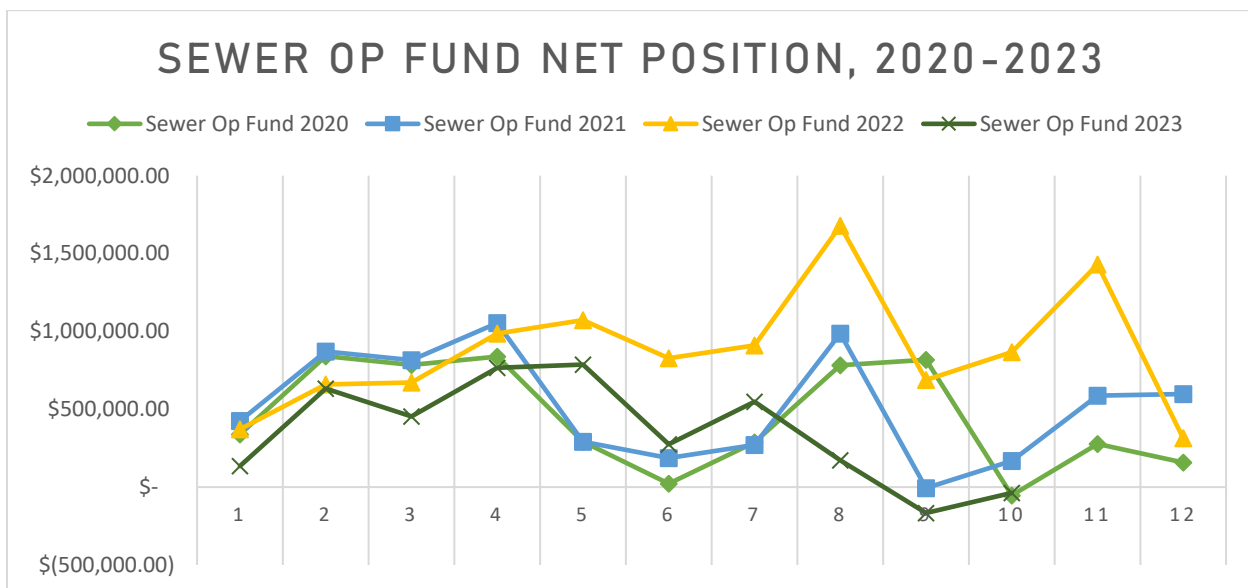
ADMINISTRATION COMMITTEE

Budget Update

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



At the end of October, General Fund Expenditures (all expenditures plus transfers) of \$1,563K exceeded Revenues of \$433K by \$1,130K. This matches prior years trends, with 2023 exceeding net position 3 of the last 4 years. Revenues in September were mostly made up of Local Enabling Taxes (mainly Current Year Earned Income Tax). Most expenses were related to FY 2023 Pension contributions and other personnel and insurance related expenses.



The Sewer Operating Fund had an increase in net position in October to a negative position of -\$38K from -\$166K. This matches 3 of the prior 4 trendlines. An increase in net position is expected over the next couple of months as sewer billing is collected in November. Most of the revenues collected were sewer rentals. Most of October's expenditures were pension, personnel and insurance related.

At this point in 2023, the Township expenditures are being managed within budgetary constraints. None of Upper Allen Township's Funds are currently at risk of operating in a deficit; all funds' revenues (Revenue plus Fund Balance) exceed expenditures.

Commissioner Cochran said that there have been comments on the 2 million spent on sewer. We currently have a belt press, that is the original belt press from the late 70's. They do not make parts for it anymore, so the staff has been fabricating parts. We have had to redesign the building to get things in and out. With the current situation with the supply chain, we are six weeks late. The project team wanted us to take the old press out so they would not be delayed when the new press arrived, had we done that, we would not have had sewer for six weeks. We would have had to pay a 3rd party to take the waste. It was a very necessary expense; we had planned financially well enough that we could still reduce sewer rates.

Authorization to Advertise Tentative Budget Ordinance for Adoption at the December 20, 2023, Meeting

Two budget ordinances need to be advertised prior to the Board of Commissioners adopting the 2024 Budget at the BOC meeting on December 20, 2023. In accordance with the First Class Township Code, the Township must advertise the proposed budget and place a copy out for public display at least 20 days prior to adoption.

- The first ordinance Appropriates Specific Sum Estimate Required for the Specific Purposes of Municipal Government in 2024.
- The second ordinance Adopts the Budget for the 2024 Calendar Year, Authorizing Expenditures and Levying Taxes. The proposed 2024 Budget has a proposed tax increase of 0.1 mills in the Park Improvement Fund for the specific purpose of funding a future replacement escrow fund.

Commissioner Cochran made a **MOTION** to authorize the appropriate Township official to advertise both the budget ordinance and place a copy of the proposed 2024 Budget out for display., **SECONDED** by Commissioner Walter. The motion carried unanimously.

PARK AND RECREATION COMMITTEE

President Martin shared that the Township met with representatives from Penn State Life Lion. They house trucks in this building. They gave us an update. Call volume is increasing. Overall, they are providing a decent service to the community.

MISCELLANEOUS

Solicitor Update

There are no updates.

Tax Collection Committee (TCC) Update

There are no updates.

Capital Region COG Update

The annual dinner is in January. Monday, November 20, 2023, is the regular monthly meeting.

Municipal Advisory Board (MAB) Update

There are no updates.

Pennsylvania State Association of Township Commissioners (PSATC) Update

There are no updates.

Commissioner Cochran made a **MOTION** to adjourn the meeting at 7:46, **SECONDED** by Commissioner Walters. The motion carried unanimously.