CALL TO ORDER

President Martin called the August 7, 2019 Board of Commissioners regular meeting to order at 6:30 p.m. A moment of silence was observed, and The Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Fraser. Commissioners Anderson and Cochran were out of town.

CONSIDERATION/APPROVAL OF BOARD OF COMMISSIONERS MEETING MINUTES

President Martin asked for any comments or corrections to the Minutes of the July 3, 2019 Board of Commissioners meeting. There were none, and Vice President Rigney made a MOTION to approve the Minutes of the July 3, 2019 Board of Commissioners meeting, SECONDED by Commissioner Castranio. The motion carried unanimously.

PRESIDENT’S ANNOUNCEMENTS

President Martin noted that there is a Pension Board meeting on Monday, August 12, at 7:30 a.m. He also mentioned that the Cumberland Conservation Collaborative will sponsor a Municipal Land Preservation Forum on September 10.

PRESIDENT’S RECOGNITION OF VISITORS

There were no visitors signed in for items not already on the agenda.

CONSENT AGENDA

There were no items for consideration.
PUBLIC SAFETY COMMITTEE

CONSIDERATION/APPROVAL OF COLLEGE COURSE WORK
FOR DETECTIVE TRENTON MELLOTT

Detective Trenton Mellott submitted a request for approval for OL-600, Strategic Human Resource Management, through Southern New Hampshire University. The course examines procedures and human resource requirements as they relate to organizations, and is a required class that will be applied to his Master of Science Degree in Criminal Justice with a concentration in Public Safety Administration.

Commissioner Castranio made a MOTION to approve the request for approval of OL-600, Strategic Human Resource Management, through Southern New Hampshire University at a cost of $1,881. SECONDED by President Martin. The motion carried unanimously.

FIRE DEPARTMENT RENOVATIONS UPDATE

President Martin said there was a punch list walkthrough 10 days or so ago, and they are still waiting on a couple of items. Mr. Reichard said the pad is coming along slowly. He said portions of sidewalk are done and they have another third of the pad to do. He said they expect delivery of the stormwater inlet this Friday, which is one thing holding up progress. He said they are hopeful to complete work by mid-next week but he said he’s not sure how likely that is. He said they hired a subcontractor to do their curbing because his inspector rejected it, and they also hired a sub to do the paving work.

NATIONAL NIGHT OUT

Commissioner Castranio noted that last night was National Night Out. He said they had a couple of officers in his neighborhood, plus the fire trucks stopped by. He noted that it is up to the neighborhoods to contact public safety officials to get them to their neighborhoods.

PLANNING & ZONING COMMITTEE

ZONING HEARING BOARD HEARINGS FOR AUGUST 8

There are no hearings scheduled.

HARB CASES SCHEDULED FOR AUGUST 20

The property owner of the Union Hotel at 240 Gettysburg Pike is seeking a Certificate of Appropriateness to replace wooden windows with vinyl windows. Mrs. Boyer said there will also be painting and roof repairs, and a privacy fence extension, but the replacement of windows requires going through HARB. The Board had no comment and took no position.
CONSIDERATION/REAPPROVAL OF PRELIMINARY/FINAL SUBDIVISION/LAND DEVELOPMENT PLAN FOR ARBORVIEW, UAT FILE #18-03-01

On June 6, 2018, the Board of Commissioners conditionally approved the above referenced subdivision and land development plan and the applicant had 270 days to record the plan or else it would be considered disapproved, expiring on March 9, 2019. The applicant is now ready to move forward and is asking the Commissioners to consider re-approving the project.

The applicant’s proposal is to subdivide Lots 1, 2, and 3 into 26 separate lots. The proposed project is for the development of 22 single-family detached homes, which will be located on Lots 3 through 24. Two private open space lots will be provided within the development. The existing single-family homes on Lots 1 and 2 will remain. The total tract acreage is 14.8, with 12.7 acres being developed. The development will create an additional 1,307 linear feet of new public streets on Arborview Drive and Coventry Drive. The development will be served with public water and sewer. The proposed use of the subject property is consistent with the Upper Allen Township Zoning Ordinance and Comprehensive Plan.

Three deferrals and three modifications were approved on June 6, 2018. No changes have been made to the requests.

The applicant shall, upon plan approval and prior to plan recording, contribute to the Township’s Recreation Land Acquisition and Improvement Fund, in accordance with Section 220-28.D(5) of the Codified Ordinances of Upper Allen Township. The contribution amount shall be $50,600.00.

The Community Development, Sewer, Police and Fire Departments, as well as the Township Engineer, the Traffic Engineer, and Cumberland County Planning Commission were notified on March 5, 2018 and April 10, 2018 that this plan was available for review, and comments were received from all but the Fire Department.

TPD concurred with the recommendations and conclusions outlined in the TIS submission dated April 9, 2018. Based on the analysis provided, the study area intersections will operate at Levels of Service that comply with §220-11.F(1) of the Township’s Subdivision and Land Development Ordinance. As of May 29, 2018, all comments from TPD had been satisfactorily addressed.

The Upper Allen Township Planning Commission unanimously voted to recommend approval of the applicant’s requested deferrals and modifications, and recommended approval of the applicant’s plan, with conditions, at its April 30, 2018 meeting.

During the Planning Commission meeting, neighboring residents expressed concern about stormwater runoff, and an easement area that is currently shared by Arborfield development and the Wingert family. Arborview HOA submitted a list of questions, which the developer responded to during the meeting and in a written letter dated April 9, 2018.

Mrs. Boyer noted that the potential situation in Meadowview didn’t work out in the end and the property owner reverted back to the original plan. Unfortunately, she said the time period has expired. She said nothing changed on the plan, and the deferrals and modifications will remain the same. Developer Don Farinelli, and Danny Farinelli, were present.
Vice President Rigney made a **MOTION** to re-approve the deferrals and modifications as previously approved on June 6, 2018 for the Preliminary/Final Subdivision and Land Development plan for Arborview, UAT File #18-03-01, **SECONDED** by President Martin:

1. Defer the requirements of Section 220-15.B.(11) to reconstruct portions of Gettysburg Pike to the widths specified in the Township of Upper Allen Subdivision and land Development Ordinance until such time as the Upper Allen Township Board of Commissioners determines that such reconstruction is necessary. All street improvements shall be shown on the final plans as future improvements and shall show compliance with all applicable ordinances.

2. Defer the requirements of Section 220-16.A.(2) to install curbs along Gettysburg Pike until such time as the Upper Allen Board of Commissioners determines that the curbs are necessary. All curb improvements shall be shown on the final plans as future improvements and shall show compliance with all applicable ordinances.

3. Defer the requirements of Section 220-16.B.(3) to install sidewalk along Gettysburg Pike until such time as the Upper Allen Township Board of Commissioners determines that the sidewalks are necessary. All sidewalk improvements shall be shown on the final plans as future improvements and shall show compliance with all applicable ordinances.

4. Modify the requirements of Section 220-15.E(5) to allow for the intersection of Arborview Drive to be less than 800 feet apart from other streets which intersect onto a collector street.

5. Modify the requirements of Section 220-15.D(2)(c) that requires the length of vertical curves be at least 100 feet. The vertical crest curves shall be 52 and 69 feet along the extension of the existing Coventry Drive.

6. Modify the requirements of Section 220-16.B(2) to not provide a four-foot-wide grass strip between the curb and sidewalk along 88 feet of both sides of Coventry Drive.

President Martin and Vice President Rigney voted yes; Commissioner Castranio abstained because he is employed by the developer’s engineer.

Vice President Rigney made a **MOTION** to approve the Preliminary/Final Subdivision and Land Development plan for Arborview, UAT File #18-03-01 with the following conditions, **SECONDED** by President Martin:

**ADMINISTRATIVE**

1. The applicant must obtain approval of the Erosion and Sediment Control Plan from the Cumberland County Conservation District and furnish to the Township a copy of the required NPDES permit in accordance with the requirements of Section 220-9.C(4)(h), Section 220-27, and Section 214-15.C of the Codified Ordinances of Upper Allen Township.

2. Any modifications and deferrals granted by the Board of Commissioners shall be listed on the final plan, including the date in which such action was granted, in accordance with
Section 220-10.B(3) of the Codified Ordinances of Upper Allen Township. All deferred improvements shall be shown on final plans as future improvements. A note shall be placed on the plan indicating that all deferrals are granted “……until such time as the Board of Commissioners deem the improvement necessary.”

3. The applicant shall obtain approval of the planning module from the Township and PA DEP in accordance with the requirements of Section 220-20.A of the Codified Ordinances of Upper Allen Township and pay all applicable application and tapping fees in accordance with the requirements of Section 200-15.D(8) of the Codified Ordinances of Upper Allen Township.

4. The applicant must contribute to the Township Recreation Land Acquisition and Improvement Fund in the amount of $50,600.00. This contribution to the Fund shall be paid at the time of approval of the subdivision or land development plan in accordance with the requirements of Section 220-28.D(5) of the Codified Ordinances of Upper Allen Township.

5. The applicant must enter into a Reservation of Capacity (ROC) Agreement with the Township and pay the appropriate ROC fees, or, pay tapping fees for the number of approved EDUs.

6. The applicant must enter into a Sewer Extension Agreement with the Township and furnish the required $1,000.00 escrow for plan and legal review costs, provide plats and legal descriptions for sanitary sewers to be located outside of the public rights-of-way, furnish the required escrow amount for inspection and related costs, and provide appropriate installation financial security for the sanitary sewers.

7. The applicant must have the plan signed and sealed by a licensed surveyor and licensed engineer certifying to the accuracy of the survey and plan in accordance with Sections 220-9.C(2)(e) and 220-10.B(1)(b) of the Codified Ordinances of Upper Allen Township.

8. The applicant must sign the plan and have the signatures notarized according to Section 220-9.C(2)(dd) and 220-10.B(1)(a) of the Codified Ordinances of Upper Allen Township.

9. The applicant must submit a signed and sealed construction cost estimate for all public improvements, including sanitary sewer work, in accordance with Section 220-13 of the Codified Ordinances of Upper Allen Township.

10. The applicant must provide financial security in a form acceptable to the Township and in an amount to be estimated by the applicant and approved by the Township Engineer to insure construction of the improvements and/or concrete monuments shown on the plan, and the applicant must enter into an agreement with the Township providing for construction and installation of all improvements shown on the plan according to Section 220-13 of the Codified Ordinances of Upper Allen Township. The financial security shall contain the provision that the Township shall be informed in writing thirty (30) days before the expiration date of any letter of credit or bond provided as a condition of approval.
11. The applicant must also furnish financial security to the Township in an amount equal to 10% of the total financial security provided to cover the cost of construction inspection, administrative, and other related costs according to Section 220-52.B of the Codified Ordinances of Upper Allen Township.

12. The applicant shall enter into a Stormwater Best Management Practices Maintenance Operation and Maintenance Agreement with the Township and pay all applicable fees, in accordance with Section 214-20.E of the Codified Ordinances of Upper Allen Township.

13. The applicant shall obtain final water main design approval from Suez Water Company and furnish to the Township an updated design plan. Fire hydrant locations shall be in conformance with the requirements of Section 220-22 of the Codified Ordinances of Upper Allen Township.

14. 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.

15. 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.

16. 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 approval by the Board of Commissioners or the plan will be considered disapproved. Since the final land development plan is approved with outstanding conditions, the signature block for the Upper Allen Township Board of Commissioners shall state the date in which the conditional approval is granted. A second line shall be added to state, “The conditions of approval were satisfied this ____ day of ________, 20__.”

17. This project is situated in a Special Sewer District within the Township (Ordinance 741, Chapter 200, Article XI) having a cost per EDU in the amount of $325.06. This amount is in addition to the current tapping fee of $1,840.00 per EDU. The applicant shall pay a total tapping fee amount of $42,165.06 per EDU before recording the plan.

18. Prior to obtaining the county signature for final plan recording, the applicant shall provide a CD that includes a .dwg AutoCAD file that shows all parcel boundaries, lot lines, building footprints, road rights-of-way (to include curbs and sidewalks), edge of pavement, hydrants, and any utility or easements (public and private).

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

President Martin and Vice President Rigney voted yes; Commissioner Castranio abstained because he is employed by the developer’s engineer.
Vice President Rigney commented that this project seems to be a model that we would hope other developers would provide in that they met with neighbors, answered their questions, and satisfied their concerns. He said it makes the Board’s job easier. President Martin applauded Mr. Farinelli as well.

CONSIDERATION TO SCHEDULE A PUBLIC HEARING FOR A ZONING TEXT AMENDMENT TO C-1 DISTRICT

The Board requested that staff explore adding additional development use requirements in the Neighborhood Commercial (C-1) Zoning District. This district allows for multiple non-residential uses and some residential uses. This district is meant to be a transitional district between heavy commercial/industrial zones and residential or agricultural zones. The Township already has an abundance of existing and planned residential homes. The C-1 District does not require a minimum lot size for development. Given this flexibility and to encourage more non-residential development, Mrs. Boyer provided a draft ordinance for the Board’s consideration along with a Township zoning map, a map illustrating all properties within the C-1 District, and a map which identifies all properties within the C-1 District that are 5 acres or more in size. She pointed out that there are a few larger properties that could be developed in the future.

Mrs. Boyer noted that if the Board of Commissioners wants to proceed forward, the next step would be to forward the ordinance amendment to the Cumberland County Planning Commission and the Township’s Planning Commission for their review and comments. The Commissioners will also have to schedule a public hearing to receive testimony before the ordinance could be adopted.

After reviewing the information, if the Board would prefer to proceed with amending the Zoning Map, the process above would be very similar. Additionally, all affected property owners would need to be notified at least 30 days prior to the public hearing.

Commissioner Castranio questioned how such a rezoning would affect the Terraces of Shepherdstown. Mrs. Boyer said they have a tentative plan that is not recorded yet and it is still valid under the extension action they did. She said typically there is a 5-year period in which you can’t require them to meet new provisions. She said she thinks they are still valid until 2023. If the developer would decide to sell the property or develop it in a different way, she said it would require it to be submitted as a new development plan. Commissioner Castranio then asked if the permitted uses in Chapter 245 would change with this proposal and Mrs. Boyer said they would not.

Vice President Rigney made a MOTION to authorize staff to forward the ordinance to the Township Planning Commission and Cumberland County Planning Commission for their review and recommendation. Staff shall also advertise the ordinance and public hearing to be held on October 2, 2019 at 6:00 p.m. to discuss the Zoning Amendment. The Board shall hear testimony during the Public Hearing. Following the close of the public hearing, the Board can consider taking action to either approve or disapprove the proposed ordinance at its regular Commissioners’ meeting on October 2, 2019 at 6:30 p.m. SECONDED by Commissioner Castranio. The motion carried unanimously.
PUBLIC IMPROVEMENTS COMMITTEE

There were no items for discussion.

SANITARY SEWER SYSTEM

AUTHORIZATION TO ADVERTISE FOR BIDS
FOR WASTE WATER TREATMENT PLANT IMPROVEMENTS

Mr. Cupp noted that the plans and specifications for the Grantham Wastewater Treatment Plant Miscellaneous Improvements Project have been substantially completed by GHD. The project generally consists of (1) construction of a new structural concrete grit/grease discharge pad, (2) installation of a new garage door in the existing Control Building, and (3) structural repairs and restoration to the top and side surfaces of the concrete influent pumping station, concrete digester and chlorine contact tank structures. A total of $143,000 has been allocated for this three-part project in the 2019 Sewer Reserve Fund. The project is proposed to be advertised and bid electronically on-line using PennBid, with a bid opening date of September 9, 2019.

Commissioner Castranio made a MOTION to authorize the appropriate Township officials to advertise the Grantham Wastewater Treatment Plant Miscellaneous Improvements Project for bids, SECONDED by Vice President Rigney. The motion carried unanimously.

ADMINISTRATIVE COMMITTEE

President Martin announced that there will be an Executive Session to discuss a personnel issue.

PARK AND RECREATION COMMITTEE

Vice President Rigney noted that the contractor started the tennis court project in Fisher Park earlier today.

MISCELLANEOUS

TAX COLLECTION COMMITTEE UPDATE

There was nothing to report.

CAPITAL REGION COG UPDATE

President Martin noted that there is no COG meeting in August, and the golf outing and picnic will be held in September.

MUNICIPAL ADVISORY BOARD UPDATE

There was no report.
PA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS (PSATC) UPDATE

President Martin noted that there is an upcoming PSATC Central Association event at Allenberry.

SOLICITOR UPDATE

There was nothing to report.

REQUEST FOR CLARIFICATION – ENGLISH DRIVE PROJECT

Mr. Reichard requested clarification on how to handle matters related to the English Drive project. He said at their last meeting the Board potentially waived liquidated damages if the project was completed by August 2, and the discussion at that time was to backdate liquidated damages to July 17. He questioned whether he should put the contractor on formal notice.

Vice President Rigney questioned what has gone wrong. Mr. Reichard said he doesn’t believe the contractor is capable of completing the work and that’s why they are hiring a subcontractor to do additional concrete work. He said they failed to order materials that were approved well over 2 months ago. He said he doesn’t believe the appropriate leadership is in place to give appropriate direction to the crews.

Commissioner Castranio questioned the status of the slab so far, and Mr. Reichard said there are issues. He said they received concrete that didn’t pass spec and had to be rejected, and resulted in expansion material not called for in the specs. He said some of the finish work is acceptable, and some is ok, but overall it is not acceptable for this location. President Martin noted that the Fire Department said the surface is really smooth and they have concerns about it being slippery in winter. Mr. Reichard said there was a preconstruction meeting with the Fire Department previously, and it wasn’t discussed at that time, so they just put a normal finish on it.

President Martin said when the contractor met with the Board at their last meeting, he fully intended to have the work completed by August 2, and Commissioner Castranio questioned whether we have paid the contractor anything at all. Mr. Reichard said no applications for payment have been submitted at this point. He continued that they are doing concrete testing and C. S. Davidson has requested break cylinders but have received none. He said they haven’t been on-site since last Friday and there are continued issues. He added that when they were there last week it was only for partial pours. He said they are not maximizing the potential to complete the work.

Commissioner Castranio recommended that since there could be liquidated damages, the Board might want to discuss it in Executive Session since it is a legal issue.

EXECUTIVE SESSION

President Martin recessed the meeting to an Executive Session on personnel and legal issues at 7:03 p.m.

ADJOURNMENT

President Martin reconvened and adjourned the meeting at 7:52 p.m.