CALL TO ORDER

President Martin called the September 4, 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. Fazekas.

CONSIDERATION/APPROVAL OF BOARD OF COMMISSIONERS MEETING MINUTES

President Martin asked for any comments or corrections to the Minutes of the August 7, 2019 Board of Commissioners meeting. There were none, and Vice President Rigney made a MOTION to approve the Minutes of the August 7, 2019 Board of Commissioners meeting, SECONDED by Commissioner Anderson. The motion carried unanimously.

PRESIDENT’S ANNOUNCEMENTS

President Martin noted that Upper Allen Township is offering residents an opportunity to win a pre-assembled rain barrel for their home. He said nine winners will be chosen at random. All winners will be contacted, and arrangements will be made to have the barrels picked up or dropped off at their respective locations.

He continued that a rain barrel is a container that collects and stores the water from roofs and downspouts for future uses such as watering lawns, gardens, and house plants; cleaning off gardening tools; and washing your car. Rain barrels are also important for our environment because they help reduce water pollution by decreasing the amount of stormwater runoff reaching our streams and rivers. He said the average rainfall of one inch within a 24-hour period can produce more than 700 gallons of water that run off a typical house. While it’s running from our homes and lawns, this stormwater picks up anything on the ground such as litter, excess fertilizer, pet waste, and motor oil and transports it to storm drains that do not treat the water before dumping it directly into our waterways. Therefore, rain barrels play an important role in protecting our water resources by collecting the stormwater runoff from our homes before it reaches our local streams and rivers. Using rain barrels is a great way to decrease your household’s impact on local waterways and to help you become a better environmental steward.
Following his comments, Board members took turns randomly pulling names. The following winners were announced: James Krabiel, Jackie Scott, Barbara Carl, Tyler Yohe, Rich Gordon, Abigail Thompson, Jennifer Fissel, Juli Williamson, and Theresa Fowler.

President Martin announced a letter of congratulations and certificate of appreciation to Bryce Weenink, of 309 E. Meadow Drive, for an Eagle Scout project where he helped design and build a disc golf course at Simpson Park with the help of adults and other scouts.

**PRESIDENT’S RECOGNITION OF VISITORS**

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

**CONSENT AGENDA**

There were no items for consideration.

**PUBLIC SAFETY COMMITTEE**

Fire Chief Shumberger thanked the Board for their help with getting the work done on the front pad and the renovated fire station building, and said they look forward to it being done. President Martin said things are progressing and things are being moved into the station. Mr. Fazekas noted that the red signal installation is still about 6 weeks out; however, the flashing warning device is currently working without that piece. Chief Shumberger said the Golf Tournament is scheduled for September 13 and they are still accepting golfers.

**PLANNING & ZONING COMMITTEE**

**ZONING HEARING BOARD (ZHB) HEARINGS FOR SEPTEMBER 12**

Mrs. Boyer noted that the property owner is seeking a Variance for 303 Sleepy Hollow Drive. Their shed was erected by the previous owner without a permit, and due to their existing pool and deck and patio area, they are applying for a Variance to keep it where it is. If it is not approved, she said they will have to move the shed. She noted that the side yard setback is at 3 feet instead of the required 5 feet, and it is at 8 feet instead of 10 feet from the principal structure. Discussion ensued. President Martin questioned the Township’s culpability in permitting the shed to begin with, but Mrs. Boyer said we have none since we didn’t permit it. She said it was done with no permit because the previous owner’s builder said he didn’t need one. She noted that shed permits have been required since at least the 80s. She said Mike Welt will attend the ZHB meeting in her absence, and if the Board has a statement they want to pass along she will see that they get it. Vice President Rigney said the ordinance requirement of a 5-foot setback seems ridiculous to him, but Mrs. Boyer explained that public safety comes into it and there are reasons why there are separations between structures.

President Martin questioned whether staff remains mute if people put sheds up incorrectly, but Mrs. Boyer said as soon as we become aware of the situation we notify the resident that they need a permit. She said in this instance, we were in the area and noticed the shed and notified the resident. President Martin said it seems like there is something wrong with the system when a situation
existed for how many years, and a successive landowner bought the property, and had he done no further improvements to his property it would have probably existed for many more years. But because he is interested in doing other things to his property he is now being penalized. He suggested that maybe we need to inspect properties before they sell so we can hold the appropriate person accountable. He said this guy has improved his property and takes care of it. Commissioner Cochran commented that we can’t be everywhere.

Vice President Rigney noted that in New England, where he used to live, they have inspectors who come into the house before you put it up for sale, and they make people tear things out if it was done illegally. Commissioner Cochran asked if having an inspection prior to sale is a common occurrence. Mrs. Boyer responded that Harrisburg used to have an inspection program but it was too time-consuming, so they stopped. She said to have such a program you are talking about a full-blown inspection program and additional staff and additional costs. She said it’s not that it can’t be done, but it can’t be set up overnight. Commissioner Cochran said he tried to push for it several years ago.

Commissioner Cochran asked if landlords are supposed to tell the Township if they rent to people. Mrs. Boyer said we don’t have a rental permit at this time. If we know of a property that is being rented, she said we can check that it meets the code, but if people don’t tell us we don’t know they are renting their space out. She said it is on them to let us know and then we can verify that it is legally occupied and allowed. Commissioner Cochran said the first time there is a disaster or fatality we would be liable in the court of public opinion, but Mrs. Boyer said not every municipality does rental programs. Solicitor Feinour said some have adopted ordinances related to rental properties and the Realtor Associations have been active in opposing them as hindering the sale of properties. He said most municipalities in the area that were considering them backed off. Commissioner Cochran said he would like to see some kind of policy for renters. Mrs. Boyer said there is an ordinance in place that says they should report it, but if they don’t there are no repercussions. Commissioner Cochran said he’d just like to have them register and receive the regulations they should be following, with a minimal cost, and a big fine if it is not followed.

President Martin said he is extremely sympathetic to this landowner. Commissioner Castranio noted that Mr. Welt found the situation because he became aware of people doing work in that development without permits. He said he would like to know who they are, and why they are doing it. Mrs. Boyer said they did send letters out to other residents that they noticed have done work without a permit. And she said they do this frequently in other neighborhoods. She said some comply, and some give us a hard time. President Martin asked for an update to Commissioner Castranio’s question at a future meeting. Commissioner Cochran asked if the Codes Officer drives around, and Mrs. Boyer said he does. Mr. Fazekas added that the permit should be displayed in the front window. He said when he drives around looking at different projects throughout the Township, he sees things and checks with Community Development Department to see if they have permits, and if they do not, they get notified. Vice President Rigney asked if this person was fined. Mrs. Boyer said he was caught early in the construction, but sometimes they have to tear out a certain amount of work so it can be inspected. She said if we catch it early enough, they can proceed. She noted that we charge a double fee if we catch people working without a permit. She said we catch people every week working without a permit. She said it is ongoing.
President Martin questioned how building permits are filed, and Mrs. Boyer said they are filed by property address. Commissioner Cochran questioned what happens if during construction there are change orders, since building permit fees are based on the cost of construction. Mrs. Boyer said most builders probably don’t tell us. She said we do look at standard construction costs that we compare their proposed costs to, and it’s a red flag when they don’t match. Vice President Rigney noted that he had a patio put in and needed a zoning permit, but he questioned whether he needed a building permit. He also noted that he didn’t have to send a check in with the permit application. Mrs. Boyer said you pay for the permit once it is approved. She said you don’t have a valid permit until you pick it up and pay for it.

HARB CASES SCHEDULED FOR SEPTEMBER 17

Mrs. Boyer noted that the September 17 meeting will be a continuance of the case where the property owner at 240 Gettysburg Pike is seeking a Certificate of Appropriateness to replace wooden windows with vinyl windows. She said at the last meeting, they received approval to paint the roof and repair the privacy fence, but they didn’t have samples of the vinyl windows and the HARB wanted additional conversation about those, so they continued the meeting until September. Commissioner Castranio commented that if anyone thinks the HARB will let people slide, they are mistaken. Mrs. Boyer said HARB members gave the property owner lots of good information to proceed with, to include possible other options such as wood windows. President Martin said he deals with a HARB in his day job, and he hopes they look at the bigger picture because he would rather have a few buildings that aren’t authentic to the 1800s rather than buildings that are in disrepair.

PUBLIC IMPROVEMENTS COMMITTEE

CONSIDERATION/APPROVAL OF REQUEST FOR FINANCIAL SECURITY REDUCTION FOR ALLEN DISTRIBUTION, 1225 S. MARKET STREET, UAT FILE #16-12-01A

Staff received a letter from Evans Engineering, on behalf of the owner Allen Distribution, requesting a reduction in the financial security posted for the above-referenced plan. The improvements completed through the date of the request have been inspected, and it was found that the developer has installed some improvements in accordance with the approved plans and specifications. Therefore, the Board of Commissioners is in a position to authorize a reduction in the financial security posted by the developer with the Township.

The Township is holding a Letter of Credit in the amount of $668,751.35 to guarantee installation of the improvements in this development. As provided in the Municipal Planning Code, Sections 509(j) and 509(f), staff suggests that the Board of Commissioners retain 10% of the estimated cost of the completed improvements and 110% of the estimated cost of the remaining improvements to be installed. Therefore, the developer should be required to post new financial security for $620,055.35. When all improvements are completed and the developer dedicates any improvements to the Township, and before the Board of Commissioners accept the dedicated improvements, the developer should be required to post with the Township financial security in an amount equal to 15% of the installation cost of the improvements for a period of 18 months.
Commissioner Cochran made a **MOTION** to reduce the financial security for 1225 South Market Street, UAT File #16-12-01A from $668,751.35 to $620,055.35. Township staff shall release the current financial security to the developer after the developer provides an amendment to the current Letter of Credit 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 Castranio. The motion carried unanimously.

**CONSIDERATION/APPROVAL OF REQUEST FOR FINANCIAL SECURITY REDUCTION FOR ELMWOOD ELEMENTARY, UAT FILE #18-01-02**

Staff received a letter from the school district’s engineer requesting a reduction in the financial security posted for the above-referenced plan. The improvements completed through the date of the request have been inspected and it was found that the developer has installed some improvements in accordance with the approved plans and specifications. Therefore, the Board of Commissioners is in a position to authorize a reduction in the financial security posted by the developer with the Township.

The Township is holding a cash financial security account in the amount of $602,966.10 to guarantee installation of the improvements in this development. As provided in the Municipal Planning Code, Sections 509(j) and 509(f), staff suggests that the Board of Commissioners retain 10% of the estimated cost of the completed improvements and 110% of the estimated cost of the remaining improvements to be installed. Therefore, the developer should be required to post new financial security for $98,692.60. When all improvements are completed and the developer deducts the improvements to the Township, and before the Board of Commissioners accept the dedicated improvements, the developer should be required to post with the Township financial security in an amount equal to 15% of the installation cost of the improvements for a period of 18 months.

Commissioner Cochran made a **MOTION** to reduce the financial security for the Elmwood Elementary Plan, UAT File #18-01-02 from $602,966.10 to $98,692.60. Township staff are authorized to release $504,273.50 to Mechanicsburg Area School District. **SECONDED** by Commissioner Castranio. The motion carried unanimously.

**CONSIDERATION/APPROVAL TO ALLOW UGI TO PROCEED WITH A STREET OPENING PERMIT ALONG FISHER ROAD**

The Township received a letter from Doug Vene, Senior Project Engineer at UGI, requesting permission to open cut a 2’ x 10’ trench in the south shoulder area of Fisher Road just east of East Meadow Drive to install a new natural gas distribution main to serve Shepherdstown Elementary School and the residents of Meadowview. Paving restoration of the area will be 10’ x 20’ wide around the cut. UGI would like to complete the project before the end of October. They have provided plans and restoration details.

Per Section 217.12 of the Streets and Sidewalk Ordinance, any person seeking to open or excavate a street that has been paved within five years must receive approval from the Board of Commissioners. A wearing course was placed on Fisher Road in 2016.
Township staff had several conversations and meetings with UGI representatives and there are no known issues. If approved, staff will continue to work with UGI to ensure that the road openings are restored in accordance with Chapter 217.

Mr. Vene was in attendance. He said UGI is linking the Meadowview project with the school project to allow for lower costs. He said this project falls under the “Get Gas” program, which is a pilot program in its fifth year. Door hangers and letters are distributed to help the residents and Township officials with information about the program. With this program, UGI does pre- and post-sewer and water line inspections. Discussion ensued, with Mr. Vene explaining the project and answering Board members’ questions. Mr. Vene said it costs a homeowner less than $3,888 to connect, or $29 per month for 10 years. He said UGI’s marketing people will do evaluations for people to compare.

Commissioner Castranio made a MOTION to approve the request by Mr. Doug Vene, Senior Project Engineer for UGI, to open cut a 2’ x 10’ trench in the south shoulder of Fisher Road just east of East Meadow Drive, SECONDED by Commissioner Cochran. The motion carried unanimously.

UPDATE ON ENGLISH DRIVE CURB AND SIDEWALK PROJECT

Mr. Fazekas gave an update on the English Drive Curb and Sidewalk project. He hand-delivered a termination letter to the President of Northeast Foundation & Concrete as well as the attorney and agent for Erie Insurance. C. S. Davidson solicited for new bids, and two were received as follows:

- Rogele - $99,572.50 plus Alternate 1 – cast-in-place inlets at $12,290 and Alternate 2 – epoxy base service treatment at $5,356, for a total cost of $117,218.50
- Matthews Excavating - $122,969.10 plus Alternate 1 at $17,000 and Alternate 2 at $66,950

Erie Insurance was provided with all contract documents and a copy of the new bids. Mr. Fazekas was notified by Erie Insurance that they assigned a construction consultant to conduct a site visit, and Mr. Reichard and Mr. Fazekas will meet with him on September 10. He said the bid prices are elevated because of the need to do the work quickly. He noted that in 25 years he never had someone default on a contract, and discussion ensued regarding what costs the bonding will cover. He commented that fortunately we didn’t pay the contractor a penny so we still have the $83,000 we would have owed them to cover the costs. He added that we may not have to do both alternates since Northeast did already order a pre-cast inlet.

Mr. Fazekas continued that there is concern that Erie will file some sort of claim that we didn’t give them adequate time to visit the site. He added that Rogele was scheduled to start tomorrow but the Solicitor is concerned about the Township preserving our rights against the surety company. He said at least they have the option under the performance bond to take over the work or pick up the cost of whoever is engaged to complete the work. He said he doesn’t want them to be deprived of that inspection opportunity, which could be a basis for them to deny the claim under the performance bond. If this would result in an inordinate delay or create other issues such as public safety, he said it might be a basis to ignore it. Mr. Fazekas said the value of the completed work has to be determined, then liquidated damages, engineering and solicitor fees are on top of that, and all the surety company will pay is the difference between the two amounts. Commissioner Castranio and Solicitor Feinour agreed that the real number is the cost to complete the contract. President Martin said he finds no humor in trying to accommodate Northeast Foundation & Concrete. Mr. Fazekas
said we have to determine the costs of the work they did that was satisfactory. Commissioner Cochran said from the surety company’s point of view, they thought they were insuring $89,000 worth of work, so if it ends up costing $225,000 to finish it, he said he wouldn’t pay it either. He questioned why they would pick up the difference. Solicitor Feinour agreed, and said there is case law that holds that the holder of the bond can’t collect; however, there are cases that say under appropriate circumstances the Township may be able to recoup attorney fees and other expenses expended in getting the work completed. He said he’s not prepared to accept Erie’s claims representative’s opinion on it. He said the delay is frustrating but he doesn’t want to do anything that would let them off the hook. He said at least when Erie gets here, they can state their peace and we know what we are doing. Commissioner Cochran said he hates to make a mistake now that comes back and affects us later in a way we are not yet aware. Solicitor Feinour said there are instances where the surety didn’t pay, and you don’t want to miss a step here. President Martin said we need to add up the other fees and costs and get them ready, particularly if we can’t go after liquidated damages. Solicitor Feinour said you can’t go after them from the surety, but you can from the contractor. President Martin suggested that Rogele be told they can stage it, but they better not work yet.

SANITARY SEWER SYSTEM

UPDATE ON SEWER DEPARTMENT TELEVISION EQUIPMENT OPERATION AND MAINTENANCE COSTS

Commissioner Cochran commented that with regard to the sewer truck expenses, Mr. Cupp provided information that says in 5 years we’ve broken even on the capital investment. President Martin said he is supportive of the purchase but not sure we are making money on it yet.

ADMINISTRATIVE COMMITTEE

AUTHORIZATION TO ADVERTISE FOR BIDS FOR SOLID WASTE AND RECYCLING COLLECTION, TRANSPORTATION AND PROCESSING SERVICES

Mr. Fazekas noted that the Township’s contract with Republic Services to collect trash and recycle materials ends on December 31, 2019. They have been the Township’s trash hauler for the past 5 years, following an initial 3-year contract and a two-year extension. There are no major changes proposed in the new contract except with recycled materials. Due to new restrictions, the costs for collecting and processing have gone up significantly over the past few years. As such, it is expected that the cost of recycling in the next contract may go up substantially due to increased processing costs.

Commissioner Cochran made a MOTION to authorize staff to advertise a new 3-year Trash and Recycling Contract, SECONDED by Commissioner Anderson. Vice President Rigney said the present contract doesn’t call for recycling from the parks. He said he can understand why, because the recycling can would probably be full of trash and not recycling and is probably not worth their time. He indicated that we should put appropriate recycle cans in the parks, and if the contract says they won’t do it, maybe we need to add that. The motion carried unanimously.
PARK AND RECREATION COMMITTEE

Mr. Fraser noted that the tennis court fence was installed at Fisher Park. The courts are paved and need painted. He said the contractor is still working on the central hub at Winding Hill Park. He noted that PPL is working near the railroad tracks near Winding Hill Park North. He said they will also work near Winding Hill South and he is meeting with them on September 5 to check where they will be going and to assure that damage to the park is minimal. He said the timing is not great since Winding Hill is a busy park, and he said we will expect them to accommodate the guests, although he said they don’t have to do it since they are covered under PUC regulations and not ours. Commissioner Cochran said they do have to stay in their own right-of-way. Mr. Fraser said we have to support their application and their access to their rights-of-way off of a PennDOT road. He said the north side isn’t a problem but from the south side they haven’t determined their access yet. He said we understand they are going to try not to come in through Winding Hill Road, but his impression is that it will happen one way or the other. He noted that we may be able to get some other things done while they are there.

Vice President Rigney said he recalled that the restrooms at Simpson Park didn’t work and we were instead going to use the building as storage, but he has noticed that they are open and operating fine. Mr. Fraser confirmed that the restrooms have been repaired. He said when it was dark at Simpson Park, people would use the parking lot for undesirable things, so we added electric for lighting, and another advantage of that power was to facilitate a hard line to the bathrooms to get away from the photo cells. He said Parks Supervisor Chad Krebs ran wiring over to the restrooms, changed out the fans, cleaned the restrooms out, talked to the manufacturer about how they should operate, and treated the bottoms, and the only thing left now is to paint them. He said there are no porta-johns any more as the restroom now works. He said they also added millings to the top where the path was washing out. Commissioner Cochran said Mr. Krebs has done a great job. He said we found the right person and it is done well.

Commissioner Anderson said the summer season is basically over and creek access went very well and has been almost problem-free. She said the Police Department did an excellent job. She said she has been there every Saturday and Sunday throughout the summer.

MISCELLANEOUS

TAX COLLECTION COMMITTEE UPDATE

Mr. Fazekas said the meetings are now held during the work week at the same time as our Administrative Committee meetings, so Laurie Yohe goes in his place.

CAPITAL REGION COG UPDATE

President Martin noted that the COG golf outing takes place on September 16.

MUNICIPAL ADVISORY BOARD UPDATE

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

Commissioner Anderson said the Central Association will have a weekend meeting at Allenberry on September 27 and 28. Topic is “Community Transformation in Action.” She said there will be a trip to Children’s Lake in Boiling Springs. Deadline to register is September 24 and registration fee is $20, plus a fee for breakfast, lunch and dinner. She said she is handling the money so Board members should let her know if they want to go.

President Martin questioned when EMS is going to show the Board the new ambulance. Chief Shumberger said they will do it prior to the October 9 budget meeting. Commissioner Anderson noted that EMS changed their next meeting to October 1, and Vice President Rigney will attend in her place.

SOLICITOR UPDATE

There was no report.

EXECUTIVE SESSION

President Martin recessed the meeting to an Executive Session at 7:55 p.m. on a contractual issue with respect to Park & Recreation.

ADJOURNMENT

President Martin reconvened and adjourned the meeting at 8:20 p.m.