President Martin called the October 2, 2019 Board of Commissioners regular meeting to order at 7:18 p.m. A moment of silence was observed, and The Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Fazekas. Commissioner Anderson attended the meeting by teleconference.

CONSIDERATION/APPROVAL OF BOARD OF COMMISSIONERS MEETING MINUTES

President Martin asked for any comments or corrections to the Minutes of the September 4, 2019 Board of Commissioners meeting. There were none, and Commissioner Cochran made a MOTION to approve the Minutes of the September 4, 2019 Board of Commissioners meeting, SECONDED by Vice President Rigney. The motion carried unanimously.

PRESIDENT’S ANNOUNCEMENTS

President Martin noted that there will be a ribbon-cutting at Oakwood Hills at 8:45 a.m. on October 17. He asked Board members to RSVP directly if interested in attending.

President Martin noted that he attended the celebration of 20,000 acres of preserved farmland in Cumberland County, hosted by Paulus Farms. He said it was worth celebrating that much farmland being preserved in 30 years’ time. He said he doesn’t know specifically how much of that preserved farmland is in Upper Allen Township. He noted that Pennsylvania leads the nation in preserved farmland. He said it was also interesting that many farmers in the Township are extending out into agri-business ventures like direct marketing or event venues. He noted that Kent Strock said 84% of farmers in Pennsylvania are getting income in addition to farmland. He said fewer and fewer farmers derive 100% of their income from farming. Regarding the Paulus farm, Chief Adams noted that it used to be a Felty Farm and he has a picture of the Felty clan that used to live there. He said he has a picture of his grandfather sitting on a mule on that homestead.

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 discussion.

PUBLIC SAFETY COMMITTEE

President Martin announced that the ribbon cutting for the Fire Company, originally planned for October 12, has been pushed back to March 28, 2020 at 1 p.m. because of construction delays. President Martin said the Certificate of Occupancy (CO) is on-site. He said the punch list items are down to five or less. He noted that the new garage doors are on. He said Rogele deserves kudos for picking up after the previous contractor, and the curb, sidewalk and pad really look nice. He said the concrete has to cure and be tested, and then an epoxy covering will have to be put on, so equipment won’t roll out front for about 6 weeks. President Martin noted that late last week the Fire Department received word that their insurer will not extend coverage for the new building, but Mr. Fraser worked to get it added to our Township building package for coverage.

Vice President Rigney noted that he attended a recent EMS meeting. He said he learned that HACC graduated about 400 EMTs in the last year but virtually none of them went into the EMS service. He said they instead use their certifications for firefighter school or nursing school. He said we have about a 10% vacancy rate for Geisinger EMS people. He said he learned that Cumberland Perry Vo-Tech is considering an EMT program at the high school junior/senior level. Regarding volunteer firefighters and trying to start a firefighter program, it was noted that the $1000 fee might discourage some students. He said discussion ensued about whether the Township could help out. He said one problem is that HACC charges to use their grounds now, and said it is something we might want to consider helping out with since our new facility has the tower, which is essential. Chief Shumberger said he is aware but isn’t much involved in the conversations. Vice President Rigney said EMS applied for a Federal program called ET3. He said right now, with a Medicare or Medicaid patient, they must take them to an ER. If approved, they will be able to take them to an alternative location such as an urgent care center instead. They think they will get a big increase in revenue that way. He said there was also discussion about Townships providing first class sleeping quarters for volunteer firefighters and there are virtually no people living at the fire stations. He said he is not sure why. He noted that the EMS meeting got very involved in Fire Department issues, but there seems to be commonality there.

PLANNING & ZONING COMMITTEE

ZONING HEARING BOARD (ZHB) HEARINGS FOR OCTOBER 10

Mrs. Boyer noted that the property owner at 303 Sleepy Hollow Drive is seeking a Variance. She said the applicant placed a shed without proper permitting and it doesn’t meet the setback requirements to the property line and distance from homes, so they are asking for a Variance to keep it where it is. Commissioner Castranio said he looked at the sketch and it shows that it is 4’5” off the property line and if they are only asking for 5” on their application, they will still be short. Mrs. Boyer said she will make sure it gets clarified.

HARB CASES SCHEDULED FOR OCTOBER 15

There are no cases scheduled.
CONSIDERATION/ADOPTION OF ORDINANCE TO AMEND THE TOWNSHIP CODE, CHAPTER 245, ARTICLE VI, SECTION 6.3

A public hearing was held at 7 p.m. regarding the ordinance to amend Section 245-6.3 of the Zoning Ordinance. Under Section 609 of the Pennsylvania Municipalities Planning Code (MPC), only one public hearing is required unless substantial changes are made to the request. The amendment would create a new subsection (Subsection H) to require tracts of land five acres or larger in size to be limited to the following types of development:

1. A mix of single-family residential and non-residential uses, as permitted in this district, if subdivided or developed under a preliminary or final subdivision or land development plan. The total number of single-family residential lots or units shall not exceed 50% of the total number of lots or uses on the tract;

2. Multi-family uses, as permitted in Section 245-14.43 of this Chapter;

3. A single non-residential use; or

4. A mix of non-residential uses on one or more lots, as permitted in this district.

The Cumberland County Planning Commission reviewed the draft ordinance on September 11, 2019 and provided comments. They do agree that the project is consistent with the Zoning Ordinance and Comprehensive Plan, but additional comments are noted. On September 30, 2019 the Township Planning Commission reviewed the amendment and recommended approval as presented.

Vice President Rigney made a MOTION to approve Ordinance No. 788 to amend Chapter 245 of the Codified Ordinances of Upper Allen Township, Article VI (Commercial, Mixed-Use and Institutional Districts, Section 6.3 (Neighborhood Commercial (C-1) Zoning District) to add Subsection H, requiring tracts of land five acres or larger in size to be limited to certain types of development. SECONDED by Commissioner Cochran. President Martin, Vice President Rigney, and Commissioners Anderson and Cochran voted yes; Commissioner Castranio abstained on advice of the Solicitor because the engineering firm he is employed with has current plans under that zone.

CONSIDERATION/APPROVAL OF TIME EXTENSION FOR LOUDOUN CENTRE, UAT FILE #18-12-03A

On May 1, 2019 the Board of Commissioners voted to approve Loudoun Centre with conditions. The revised land development plan proposes demolition of the trailer (George’s Cleaners) and the empty building (formerly Planet Fitness and a furniture store), and construction of a new 3,000-square-foot bank, a three-story, 50,000-square-foot office building, and a four-story, 50,704-square-foot hotel containing 79 rooms.

One condition of approval was that the applicant satisfy all conditions and record the plan no later than October 30, 2019. The applicant has stated that financing for the project has been delayed. Until the necessary financing has been secured, the project cannot continue forward. Therefore, the applicant is requesting a time extension of 365 days.

Applicant Frank Nardo was in the audience. He said the project is still happening. He said he had what he thought was hotel financing in place and it was then relayed to them by the bank that they got new guidelines from the government and they would only allow them to give Mr. Nardo 70%, so they are
working with a new financial institution on a new financing package to get it underway. He said they are also working with two tenants that look like they will occupy the entire office building to get that portion underway too, and that will be built into the financing package. He was not at liberty to give the name of the potential tenants.

Commissioner Cochran questioned whether Mr. Nardo is up to date on Township fees. Mr. Nardo said he just found out about sewer fees as well as review fees that are due. Commissioner Cochran said his understanding is that Mr. Nardo currently has until October 30 to record the plan, and said he would like to defer until the October 16 Board meeting to give him time to bring the fees up to date. He said he is not inclined to approve anything when there are outstanding fees. He asked him to get the fees paid by October 16 and then come back to the Board for the extension. President Martin noted that the escrow account has been delinquent since June and the stormwater fee was due in September.

Commissioner Castranio noted that the first 6 conditions of approval are plan related, and he wondered if they are still needed. Mrs. Boyer said they are needed since we haven’t received revised plans yet. In light of the plans for the north and south ends of Route 114 at the intersection, Vice President Rigney questioned whether the waiver for the traffic study still makes sense. Mrs. Boyer said it was already conditionally approved so we can’t change it now. She said this plan is still current and the Board voted on it based on the conditions at that time. Commissioner Castranio recalled that they paid a fee at the time the first plan came in and that was the reason for the waiver.

Commissioner Cochran made a MOTION to TABLE the request until the October 16 Board meeting, SECONDED by Vice President Rigney. The motion carried unanimously.

CONSIDERATION/APPROVAL OF TIME EXTENSION FOR REVISED PLAN FOR ELMWOOD ELEMENTARY, UAT FILE #18-01-02

On April 19, 2018, the Board of Commissioners conditionally approved a preliminary/final land development plan for the Elmwood Elementary School, UAT File #18-01-02. Condition #11 stated that the plan must be recorded within 180 days or else the plan would be considered disapproved. The 180-day time was set on October 16, 2018. On October 3, 2018, the Board of Commissioners granted a time extension, with the new end date to be April 14, 2019. On April 4, 2019, another time extension was granted. The latest expiration date is October 11, 2019.

On September 20, 2019, staff received another time extension request. The applicant is still working with PennDOT to receive a Highway Occupancy Permit (HOP) for access and other improvements along Shepherdstown Road. For more than a year, the applicant has been going through several HOP reviews and plan modifications, and believes they need another 180-day extension to receive a HOP from PennDOT and record the land development plan.

The applicant has provided an updated land development plan to reflect the changes PennDOT is now requiring for the access areas onto Shepherdstown Road. Some of the changes include:

1. A driveway divider at the entrance/exit of the southern entrance. The original design showed this as a two-way egress area. PennDOT is now requiring a right-out only and a time-restricted left turn for northbound travelers on Shepherdstown Road. The right-out only turn is not restricted.

2. PennDOT is requiring four feet of road widening along the western side of Shepherdstown Road to provide for a wider shoulder area. The road will be widened from 36 feet to 40 feet.
3. They are requiring other minor modifications including a change to the curb radii of the existing driveway and adjusting the location of a stormwater inlet.

Todd Smith, of ELA Group, represented the applicant. He said he thinks the exercise with PennDOT has resulted in a better situation. He said the signal at Shepherdstown Road and Market Street is a big help. He said the traffic assessment report they’ve worked on with PennDOT was approved in June and then they had to do agreements with PennDOT, so it was July until they started working on the actual physical design of the HOP and could submit it. He said the efforts on the street design really started very recently and that is one of the main reasons they need the time extension. With that, he said he doesn’t expect to have to go 180 days because they are in their third review of the HOP design and have met all of the conditions of approval for the land development plan except the permit issue, and he anticipates to have it within the next couple of months. He said he is asking for 180 days just to be safe.

Mr. Smith displayed slides of the proposed project, and discussion ensued. He noted that the new lower driveway has changed through TIA review due to the impact of the unauthorized 4-way stop at Shepherdstown Road and Elmwood Avenue. Its validity was discussed and it was felt that it is safer with it rather than without. He explained the original plan for parent drop-offs in the back, and the new proposed configuration. Commissioner Cochran questioned who will enforce the right turn out only at the lower driveway as proposed with the new configuration. He relayed that these right turn onlys do not work unless they are configured to make it impossible for people to turn left. President Martin said he is curious about what condition changed that this right turn only is now proposed. He said it is a nice conceptual idea, but pragmatically he questioned whether they really think people will obey it. Mr. Smith said there will be a learning process but in the beginning there will be staff people there, and the school district has the opportunity to educate the people, and they will do that. The way it is now, he said everybody is turning right and exiting out onto Elmwood. People have already learned that process, but it is the ones who want to go south that are the ones who will need to be educated about the new right turn out at the proposed south exit. He said he believes everyone will learn and it will settle down. He said the overall new circulation within the site is the first good thing, and that is the second. Vice President Rigney said he thinks there is a benefit to letting traffic turn onto Elmwood for the people living in Southpoint. Mr. Smith said there was a bit of confusion on how Southpoint thinks it is going to work. He said he offered to sit with them and explain it but they denied the opportunity. President Martin questioned what condition changed that PennDOT will now allow that right turn out, and Mr. Smith said he thinks it was the other improvements, such as the traffic signal, that helped. Since the traffic signal went in, he said they relooked at the study and looked at other data, and those things related to that all factored in. He couldn’t say the true tipping point.

Chief Adams commented that regarding the learning curve, the Board knows how long Sheetz, Turkey Hill and Zimmerman’s have been in place, and he wants to know how long it takes for people to start following the right turn in/out. He said the majority of people the Police Department cites that don’t obey the signs are local residents who are used to it but are too much in a hurry. He said it sounds good but it isn’t going to happen.

Commissioner Cochran asked how many cars can stack if people can’t get out Elmwood because once that stacking is full people will go left instead. Mr. Smith said right now everybody turns right and goes to Elmwood and it doesn’t stack too far. He said during arrival the busses are intermittent and during departure the busses are already staged and ready to go, and no one is coming in and out. He said before the vehicles and busses were flipped and the parents were using the front instead of the busses, there was a lot more confusion. Commissioner Cochran asked if parents are still dropping off at Elmwood and Mr. Smith didn’t know. He added that regarding the requirement for the school district to update the traffic
study annually, if people are ignoring the signs and if the school district can’t teach them to go right or left, that traffic study will tell the Board of Commissioners.

Regarding the top driveway, Commissioner Castranio asked if the right or left in was PennDOT’s requirement or school district wishes. Richard Castner, representing the school district, said at one time they weren’t sure what the stacking situations would be so they wanted people to be able to turn into the site, and it is not near what they thought it would be. President Martin asked why we have to have that other entrance other than for service, if the right out onto Elmwood is working now. Mr. Smith said it’s not working to take the impact off the 4-way stop the way the TIA says it should be. He said it is functioning now in this interim condition but it’s not ideal. The TIA says it will function better if we have southbound people using that bottom exit for right turn only. Commissioner Cochran again recalled that signs do nothing and people ignore them, and Mr. Smith said he isn’t saying that no one will turn left there. Commissioner Castranio asked why we have to let people turn left into there if it’s working fine now without people turning left. Mr. Smith said during the time it is not restricted, people can turn left into there to park. Mr. Castner said originally they had it as a left in, but PennDOT asked for it to be changed. He also noted that the top entrance has two gates along that drive once school is in session so people would have to be able to turn left into the lower drive to get to the parking lot except during restricted times. Commissioner Anderson commented that parents will do what they want to do. She said they want to go whatever is the fastest way.

Mr. Smith said this is the first year for the school to be a 4/5 center so there is a different group of kids coming here. It is also a walkable school. He said they have not restudied it because they aren’t at final build-out yet, but when they come back to update the traffic study for the Township they will recount. He said they have their original numbers for parent drop offs and pedestrians.

Vice President Rigney said there are three reasons the Board should accept the extension: (1) the plan allowing exit on Elmwood gives tremendous relief to Southpoint; (2) the annual review; and (3) this plan takes more traffic off Shepherdstown and puts it into the Borough and not into Upper Allen. Commissioner Anderson commented that we will have to wait until Legacy Park opens. Commissioner Cochran asked what the population of the 4/5 group is, and Mr. Smith did not have that information with him. President Martin said Vice President Rigney makes a good point, but he said he still has a little heartburn over the left turn into the lower drive. Commissioner Cochran said we could have school police there for the first year and let them monitor it. Chief Adams noted that school police officers have full police powers on school property only, not on public streets. Mr. Smith said originally it was to keep people from cutting through the site from Elmwood to Shepherdstown Road. He said maybe we can relook at it during the traffic study as to whether the gate should be half-closed during school to keep people from cutting through from Elmwood but still keeping it open to allow people to make a right out.

President Martin said he wishes Southpoint representatives were in attendance. Mrs. Boyer said she did notify them of the meeting in person and by letter. She said she received a phone call and her understanding was that someone would be here, but no one came. Mr. Smith said he thinks this new configuration does address some of their concerns. Mr. Castner said he thinks they have benefitted from the project in terms of stormwater and other things. President Martin commented that during the planning process it seems like the school district, engineers, the Borough and PennDOT met and he was surprised that the Township was not included. Mr. Smith said he believes Mrs. Boyer did attend the first scoping meeting. President Martin asked where the road widening will take place and Mr. Smith showed a slide and said PennDOT said they have to provide a 4-foot shoulder. He continued that the only reason they need Southpoint to sign off is because with the new right out drive it crosses their property line but runs
along their property frontage, not on their property. He said Vibralife, an empty lot, and the occupied property on the corner of Shepherdstown Road/Elmwood Avenue have already signed off and there is greater impact to those properties.

Commissioner Castranio made a **MOTION** to approve a time extension for the revised preliminary/final land development plan for Elmwood Elementary School, UAT File #18-01-02. The modifications, deferrals, and conditions of approval, as granted on April 19, 2018, shall remain in effect. The applicant shall have 180 days to satisfy all conditions and record the plan or the plan will be considered disapproved. **SECONDED** by Vice President Rigney. The motion carried unanimously.

**PUBLIC IMPROVEMENTS COMMITTEE**

There were no items for discussion.

**SANITARY SEWER SYSTEM**

There were no items for discussion.

**ADMINISTRATIVE COMMITTEE**

There were no items for discussion.

**PARK AND RECREATION COMMITTEE**

President Martin noted that he and Commissioner Cochran attended the Park & Recreation Board the previous night. He said it was well attended and there was lots of good reporting on the various parks. There was a presentation by an Eagle Scout who will do benches in the dog park. He said the Scout made copies of what is being proposed and he is looking for donations. President Martin distributed the information and said he believes the budget for the work is around $500, and staff will dig the holes. Both he and Commissioner Cochran decided they will personally contribute. He also indicated that the volleyball court is being used at Simpson Park and the tennis courts at Fisher Park are complete. The fence is in and work is happening at Winding Hill Park. The Park & Recreation Board also recommended purchase of playground equipment at Miller’s Crest and Spring Run Parks. Commissioner Cochran said he had a discussion related to the relationship with the school district and the Joint Recreation Agreement and what has transpired, and we discovered that the agreement we were functioning under expired 3 years ago, but we still gave them notice that we weren’t going to sign. He said the Park & Recreation Board appreciated the feedback.

**MISCELLANEOUS**

**TAX COLLECTION COMMITTEE UPDATE**

There were no items for discussion.

**CAPITAL REGION COG UPDATE**

There were no items for discussion.
MUNICIPAL ADVISORY BOARD UPDATE

There were no items for discussion.

PA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS (PSATC) UPDATE

There were no items for discussion.

SOLICITOR UPDATE

Commissioner Anderson exited the teleconference at 8:38 p.m. Commissioner Cochran asked the status of property maintenance issues at a property on Lavina Drive. Solicitor Feinour said there has been some improvement but it then stalled, so we are going in with civil action to get it cleaned up. He said he expects to file it next week. He said there was some improvement and he’s been monitoring it to make sure there is still enough to get a court injunction. He said Judge Martin found Mr. Lisse guilty of 9 citations for property maintenance violations and on the 30th day they took an appeal, so that is still pending. Vice President Rigney questioned what an injunction will accomplish and Solicitor Feinour said it will get him an order from the court directing him to clean it up. If he violates that, then he is in contempt of court and can be jailed. He said it has more teeth. He said the problem is that citations usually are more effective but Judge Martin does not impose a significant fine and Mr. Lisse doesn’t have the means to pay it, or doesn’t pay it, and he has an attorney working for him pro bono. Solicitor Feinour agreed that it must be brought to a resolution.

EXECUTIVE SESSION

President Martin recessed the meeting to an Executive Session at 8:41 p.m. for a legal issue.

ADJOURNMENT

President Martin reconvened and adjourned the meeting at 9 p.m.