CALL TO ORDER

President Martin called the May 1, 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. Vice President Rigney was out of town.

CONSIDERATION/APPROVAL OF BOARD OF COMMISSIONERS MEETING MINUTES

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

PRESIDENT’S ANNOUNCEMENTS

There were no announcements.

PRESIDENT’S RECOGNITION OF VISITORS

Phil Gillis, of 330 E. Meadow Drive, said he has been a resident there for 29 years. He said he came back from a trip to find a recent drawing that shows a walking path around the retention pond. He said he met with Mrs. Boyer and she said it is there because people had called and said it would be a good thing to add. He said the Board of Commissioners thinks it will enhance things and that they are doing the right thing, but he talked to some of the 15 neighbors bordering the pond, and they are almost unanimously opposed to it. He said he talked with Vice President Rigney, who told him that there was no intention on the part of the commissioners to pull a fast one. He said the homeowners had a pre-meeting to get their thoughts together prior to tonight’s meeting, and they will try to give the point of view of those who live next to it. He asked those in the audience who border the pond to raise hands, and to stand up if they are opposed to the path. The majority stood up, and he said no one that abuts it wants the path.
Danielle Kiker, of 338 East Meadow Drive, said the residents have safety and privacy concerns. She said most residents bought there because there wasn’t anything behind their properties. Living in a residential community, she said you buy a house in a neighborhood knowing you will have neighbors and would expect foot traffic on the front sidewalk, but the residents didn’t choose their properties because they would have a walking trail directly behind them. She said a walking trail directly behind their properties causes many concerns with safety and privacy, and they are left asking why a third path is needed when there’s already one at Fisher Park and another one at Friendship Park, and endless sidewalks in between that provide the same opportunity as the proposed path. She said their main safety concern is added foot traffic. She said they will have no privacy with the walking trail behind their homes. With the lack of parking at Fisher Park, she said they worry about increased street activity and increased foot traffic through their yards as has already occurred with people walking between properties to see what is going on in the retention pond. She questioned how they will control what kinds of people will use the proposed walking path. She said many residents have young children and it is scary to think about. She said some have play equipment and pools in the backyards, and the contractors working out back have already stopped the children from running from yard to yard to play with friends. In most cases, she said the path goes right to the property lines. She said the property owners have huge safety concerns on stranger danger with access to the walking path, day or night. She said currently they are aware of who is coming and going and if anyone is unfamiliar, a phone chain starts neighbor to neighbor. She noted that previous incidents have required phone calls to the police for their children’s safety. She said the increased traffic raises concern for pets. She said people already complain about barking dogs, and this will cause a bigger commotion. She said there are several dogs that also surround this area that are not used to seeing people out back. This raises concerns for extra and unwanted noise. With the increased noise and foot traffic, she said residents will have no privacy at all and will have new safety concerns of people watching their every move. She said the path could force many of them into unplanned extra expenses into the thousands of dollars for fences, bushes, shrubs or trees for privacy, and the proposed path will probably impact property values in the long run.

Jeff Williams, of 334 East Meadow Drive, addressed future maintenance of the rain garden area. He said it is coming along rapidly. A concern from some neighbors is the possible increase in mosquitoes if it is not installed properly and standing water doesn’t drain as it should. He questioned how often plantings and beds will be maintained to control overgrowth and keep it clean and aesthetic, noting that the rain garden at Simpson Park is badly overgrown. He said this is a much larger area and will need manpower to keep things under control. He said foxes and coyotes have been sighted with some regularity in the neighborhood and there is concern that new opportunities for dens might result. He said he would hate to see something this neat providing opportunities that aren’t good. He said there are people with young families whose backyards are wide open to this area. He said also mentioned to him were concerns about terrain changes and possible effects on the wetness that naturally occurs in back yards now. He noted for the record that he and his wife are park and recreation people and they like parks and pathways, but this path doesn’t work for this community, and they feel strongly about it.

Ms. Kiker said they have photos of how close the contractors are coming to property lines so Board members can see it if there are any questions or concerns. Mr. Fazekas said there is a potential sink hole in that area. He noted that the area is staked and surveyed. He said he has given the Township Engineer a heads-up that residents are concerned so he doesn’t get too involved in installing these improvements.
Francesca McNichol, of 332 East Meadow Drive, said her house has been shaking almost like a small earthquake, possibly because they are hitting rocks. She said the information provided to the residents made it very hard to see what was going on there. She said she tried to send photos to Mr. Fraser to show but he didn’t get them, so she gave her phone to President Martin so he could see her property line relative to the trail. She said all of her bedroom windows face the retention pond.

Kathy Castonguay, of 335 West Meadow Drive, said she spoke to Jeff and Carmen Williams about sink holes. She has a small one in her back yard and said there are others in the neighborhood, and she hopes that what’s being done in the retention pond won’t cause more problems. Mr. Fazekas said the Township does the necessary procedures and fixes them so they don’t become a problem. He said he doesn’t think this will cause problems but he can’t promise anything. Ms. Castonguay asked if there is a maintenance plan available. Mr. Fazekas said he doesn’t know that we have received it. He said this is our first project of this type and until it’s done we aren’t exactly sure of the required maintenance. He said we have parks maintenance people, and may have to contract out if necessary. Commissioner Cochran said there will be water, and the purpose of this is to filter pollutants by slowing down the speed of the water. He said we will have plants to take the nitrogen away but over time we will have to clean out the silt that will accumulate. Mr. Fazekas said the intent is that there will be different types of materials that will filter the pollutants. Commissioner Cochran said the reason they are removing soil now is to install different soil that absorbs more water. Commissioner Castranio noted that there is a maintenance program included in the plan sheets. President Martin noted that cattails are considered a noxious plant, so he will make sure they aren’t in.

Kathy Trump, of 1780 South Meadow Drive, showed photos from her phone. She said she chose this area of her backyard because it was open and private, but showed what it looks like today. She said she has a 10-year-old daughter and showed that the new path will be right on top of her swing set. She said had they known this path was going to be installed, they would have moved the swing set higher in the yard.

Bill McNichol, of 332 East Meadow Drive, said he is concerned about mosquitoes in standing water. Commissioner Cochran said the water will be moving through and will eventually dry up.

President Martin thanked the residents for coming. He said this plan is part of our broader stormwater management plan that obligates us to take all kinds of measures. He said it is a state mandate. He said the plan was announced and there was no intent by this Board of staff to do something by slight of hand or darkness of night. He said the plan was available to the public. He said with respect to the path, because we have an active recreation program and are asking more and more for sidewalks for opportunities for people to recreate, the Board thought this was a good chance to do that in a picturesque area, walking around a green area with plants. Initially he said that would seem more pleasant, but the group has expressed concerns that the Board should discuss. He said the Board initiated the project thinking it was an asset to the neighborhood. He questioned the difference between a sidewalk in front versus the back of the house and said this path won’t be any closer to the homes than a front sidewalk. Mr. Fazekas said the path was not part of the original design, and when we went out with a letter a year ago a number of residents brought it to the attention of the Board, and that is when it was added.
Kathy Castonguay said she doesn’t know if it was emphasized that the access to the path is only off of Fisher Road. She said the residents already have a parking problem and safety issues with people crossing there. There is no parking at the retention pond, so no access without crossing Fisher Road or walking through yards.

Bill McNichol said Megan McNamee previously told them there would be no path. President Martin pointed out that the retention pond is a community asset and is publicly-owned property. He said it is important that it’s not just the decision of land adjoiners but is a decision of the community. Mr. McNichol said from his property line to the path he is much more impacted because the other folks have large back yards. He questioned the setback from where the path would end in relation to his property line. Commissioner Castranio said the path is proposed to meander through the area, and Commissioner Cochran said there isn’t a requirement that it be set back a certain number of feet from the property line. He said it could be right on the line.

Regarding President Martin’s earlier question about the difference between a front sidewalk and one behind the property, Kathy Trump commented that when you build your home you know there will be a sidewalk in front of your home, and most people don’t tend to live in the front of their house. She said she lives in the back yard where she has a pool, patio, and play equipment, and that’s where the feeling of invasion of privacy comes in.

Elvin Hess, of 339 West Meadow Drive, said his property is right on the corner and he wonders if there will be signage pointing to the entrance to the walkway. He said it begins right in his backyard and people will have to walk across Fisher Road right at a little hill, which is dangerous. He said most people will cut through yards to get to the path. He asked if the Township is thinking about doing any additional parking for the ball fields. Mr. Fazekas said it’s not high on the list of priorities although additional parking has been discussed. Commissioner Anderson said staff has checked on one side to see if we could purchase any additional land and it wasn’t possible. Mr. Hess noted that he’s mowed 20 feet into the retention pond for years.

Phil Gillis commented that the Board now has the position of the residents. He asked what takes place next and when they can we expect an answer. President Martin noted that this topic isn’t an agenda item for tonight but at some point the Board will discuss it. In terms of action, he said the earliest would be at a Stormwater Authority meeting in two weeks. He said the Township Engineer is already aware of the concerns and has communicated it to the contractor. He said the group doesn’t have to do anything else unless there is something more they want to convey. Mr. Gillis questioned where the water is coming from that is coming into that pond, and whether additional water than what they’ve seen for the last 30 years will be going into it. Commissioner Cochran said it will not collect additional water. He said there’s a massive drainage area that comes down through Meadowview properties, across Fisher Road, down through Center Square, to Trout Run, and that is the drainage we are trying to fix. Mr. Gillis asked what is being done upstream and downstream that contributes to these efforts. Commissioner Castranio said we have a Pollution Reduction Plan (PRP) that was approved by DEP for the next 10 years. This is the first project in that plan. Mr. Gillis said he wants to make sure this isn’t in vain. Commissioner Cochran said the fact that we are slowing down the water has great benefit to those downstream. He said one of the problems down below is that those developments are older and many have channels in the back yards and people have filled them in over the years. Now the channels aren’t doing what they were designed to do. He said we can’t solve all of those problems but can try to slow it down a bit. In all fairness to the state, he said
this mandate came down from the Chesapeake Bay Commission, who forced it on the state. He said we are just starting, and what they are using for leverage is that if we don’t do a good job they can fine us and take away our ability to run a sewer plant. He said his concern is that it will only get more expensive. He said we are trying to do the least expensive things with the biggest return. He discussed all the requirements we have to follow to be in compliance and how we get credits. Regarding getting fined, Commissioner Anderson said she knows of several municipalities who have incurred large fines of $100,000 for the year at the same time they are trying to spend money to fix the issues. Mr. Fazekas said Swatara Township was fined $150,000. Commissioner Anderson said the Board knows that it is concerning to the residents, and she said it has been frustrating to the Board also.

Francesca McNichol said she was previously approached by Don Farinelli, developer of Arborview, and they were trying to figure out a way for their water to go into the retention pond. President Martin said that is no longer being considered. Mrs. McNichol then asked about chemicals and toxicity in the retention pond. President Martin said it is nitrogen and phosphorus, two elements that are already all around us. Commissioner Anderson said she sat on the Chesapeake Bay Committee, and one thing discussed was that trees in the upper tiers of the Susquehanna River Basin give off nitrogen, but she said we aren’t going to cut down the forests and state game lands. Commissioner Cochran clarified that these things we have to take out of the water are not toxins, they are elements that promote rapid growth of green life and algae in the basin, and that is what is killing things because it eats up the oxygen. He said it is not something that will hurt us but it promotes growth in the basin and starves the fish. In referring to an earlier comment that people said they want the walking path, Mrs. McNichol said she went to everybody bordering the pond and nobody said they were for it. Commissioner Cochran said he understands that, but said the Township did go to the entire development and got responses back from many who said that with something this nice it’s a shame they can’t walk around it and use it as a park.

Scott Wenrich, of 1786 South Meadow Drive, said he never received anything. He questioned where the responses are from people who said they are in favor of it. He wondered what work was being done last March. He questioned who is funding this work. Mr. Fazekas said last year a letter went out to residents explaining what was coming. Commissioner Castranio said the March work he is referring to was probably test pits being dug. Commissioner Cochran noted that staff received calls and emails about adding a walking path. As for who is funding the project, Commissioner Cochran said the Township is funding it. Mr. Wenrich said we will take more tax money to put a path around without asking the residents, and Commissioner Cochran responded that the Board doesn’t go out for a vote for everything. He said you don’t poll everybody on everything you do. Mr. Fazekas said our Comprehensive Recreation Plan says we need additional paths, but doesn’t say where. He said that plan was done over a period of a year and a half, and was a representation of all the residents of the Township. Mr. Wenrich asked for the cost of that piece of the project. President Martin noted that the introduction of the path was not an element that helps the stormwater requirement but it seemed like something that would promote recreation and give people the ability to enjoy fauna and wildlife. He said this Township has been proactive to get passive recreation opportunities in the Township. He said every time we initiate a recreational opportunity we don’t need a Township referendum. Mr. Wenrich said when the Township spends money for projects, they need input from residents rather than willy nilly spending extra money for stuff like this. He said this is a bedding community and we don’t have the business or extra cash flow coming in here to do magical things without causing an effect to the property taxes in the Township, which are very high.
compared to Hampden Township. Commissioner Cochran responded that Hampden Township has much more commercial business, and that is why the two municipalities are different. President Martin said everybody hates taxes until they don’t have parks, roads, a volunteer Fire Department, or a good Police Department. He said part of the genius of government is trying to decide which things to do.

Rebecca Yohe, of 1784 South Meadow Drive, thanked the Board for listening. If we don’t do the walking path she questioned whether we can use the money for other things. President Martin responded that it is all stormwater money so it will be spent on another stormwater item. Ms. Yohe said she bought her lot because of no one being behind them. She said her family is outside all the time and she doesn’t want this to inhibit her family from enjoying their outdoor time.

**CONSENT AGENDA**

There were no items for approval.

**PUBLIC SAFETY COMMITTEE**

**800 MHz UPDATE**

Mrs. Boyer provided a status update on 800 MHz compliance. Staff sent notices again to seven companies and organizations who have not provided testing certificates for their properties. The testing certificates are necessary to show compliance with the requirements in Chapter 192. Property owners notified were Mechanicsburg School District; Keystone Independence, LP, Prologis Tax Coordinator; Independence Avenue Investments LLC; SGN Enterprises LLC; Duke Realty, c/o Exel; Delta Dental of PA; and DCT Independence LLC. She said she has since heard from the school district and they will be doing more towards compliance. She said she heard from 385 Cumberland Parkway, the Wingate, who told her that a testing agency looked at the common areas but came back and said with rooms occupied they couldn’t test them. They wanted a waiver, but Mrs. Boyer said she thinks they can get it tested and she will communicate that to them.

Police Chief Adams had inquired about the status of radio coverage, particularly Messiah Lifeways and Vibralife. Mrs. Boyer noted that initial testing was completed at Vibralife in April 2016. Results were 93% coverage throughout the entire building. In 2017, an in-building distributed antenna system was to be installed to correct the deficiency. She indicated that there is no paperwork on file to indicate that the work was completed, so she recently reached out to the testing agency for a copy of the latest certificate. She is awaiting their response and will contact Vibralife if there was no follow-up test conducted or the additional system didn’t boost the building to the required 95% coverage.

At Messiah Village, testing was completed in April 2017 for three buildings located on the campus, which were part of their Envision Project. The coverage testing was completed after the new buildings and renovations were completed. All buildings and floors passed with 100% coverage, except for the ground floor of Village Square. In April 2018, staff and then Fire Chief Salter met on-site with Dave Wellman, the new facilities manager, to discuss coverage issues. Following that meeting, Messiah announced they were going to install a new system. The system was installed in the summer of 2018; however, Mrs. Boyer has no new testing certificate on file. She contacted Mr.
Wellman for a copy, and he stated that Chief Salter stopped by shortly after the system was installed to test the coverage, so he assumed everything was completed. Mrs. Boyer was not aware of this meeting and cannot say what transpired. She said she did inform Mr. Wellman that we need an official testing certificate, regardless of any testing our Fire Department may do. As for the Village Commons and Village Center, Mrs. Boyer spoke to Mr. Wellman on April 11th. Additional equipment is finally being installed this month to alleviate the coverage issues. The contractors were set to begin work the week of April 22nd, with an anticipated completion date by mid-May. Since Messiah is still waiting for additional equipment to be installed to correct ongoing deficiencies, and they did not have the new buildings re-tested, Mrs. Boyer suggested that it may be best for them to do one test on the entire system at the same time.

Mrs. Boyer indicated that on April 24, 2019, staff started working with the Solicitor to get civil judgements issued. She asked the Board of Commissioners to also consider if they want staff to issue daily judgements. She noted that Chapter 192-3.C states that the violation for civil judgement shall not be more than $1,000 plus costs and attorney’s fees incurred for enforcement of this chapter. Once the violation is finally determined, each day that the violation continues shall constitute a separate violation, unless it is determined that a good-faith basis existed, in which case there shall be deemed only one violation until the 5th day following the violation; thereafter, each day shall constitute a separate violation.

Commissioner Castranio noted that current Fire Chief Shumberger said that at Messiah Lifeways, contact couldn’t be made with his firefighters inside the building. He said he is concerned and he thought everyone would have been in compliance by now because the Board hadn’t heard anything to the contrary, and he is somewhat shocked that it hasn’t happened. Commissioner Cochran commented that it is disappointing. Mrs. Boyer said staff is working on the most recent citations to make sure they are correct and don’t get pulled from the District Magistrate’s office. Commissioner Cochran said he wants to take the legal route and stop fooling around. Mrs. Boyer said she hopes to have them all out by the end of the week. President Martin commented that the businesses and organizations failed to communicate, and if he was the Fire Marshall he would contact them and tell them what we need. Commissioner Cochran questioned the fine, and Mrs. Boyer said it is a maximum of $1,000. She said after so much time we can start imposing it daily but you have to wait first. Commissioner Cochran said the real issue will be if we lose a firefighter or police officer because we don’t have communication. He said there should be no more warnings. He said they must be told that if they are not in compliance by a certain date, they are getting a fine, and they should not be given any more extensions. Commissioner Castranio said it shouldn’t be Chief Shumberger that has to contact them. He said it’s the Fire Marshall’s job. President Martin said they can work cooperatively, but the citations must come from Community Development.

**CONSIDERATION/APPROVAL OF COLLEGE COURSE WORK FOR OFFICER MARK SANGUINITO**

Officer Mark Sanguinito requested approval of college course work for HLS 592, Research Topics. This is a required class in the Homeland Security program he is enrolled in through the Pennsylvania State University. This is his final class in pursuit of his Master of Professional Studies in Homeland Security with a tentative graduation in August of 2019. Chief Adams requested by memo that Officer Sanguinito’s request be reviewed and approved by the Board.

Commissioner Castranio made a **MOTION** to approve the request from Officer Mark Sanguinito for HLS 594 – Research Topics as part of the Master’s of Professional Studies in Homeland Security.
program at Pennsylvania State University. **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Commissioner Castranio noted that this is his final course and he’ll have his Master’s degree. He said the Board should find out if there are others so the Board can recognize them all.

**CONSIDERATION/APPROVAL OF COLLEGE COURSE WORK FOR DETECTIVE TRENTON MELLOTT**

Detective Trenton Mellott requested approval for PAD-631, Strategic Management in Public Service, which focuses on Strategic Planning & Management in Public Service. Detective Mellott is pursuing his Master of Science Degree in Criminal Justice with a concentration in Public Safety Administration through Southern New Hampshire University. The class is a required class that will be applied to his Master’s Degree program. Chief Adams requested by memo that Detective Mellott’s request be reviewed and approved by the Board.

Commissioner Castranio made a **MOTION** to approve the request from Detective Trenton Mellott for PAD-631, Strategic Management in Public Service through Southern New Hampshire University. **SECONDED** by Commissioner Anderson. The motion carried unanimously.

**FIRE DEPARTMENT UPDATE**

Chief Shumberger had nothing to report. President Martin said he recently had a walk-through with the contractor which was very helpful. He said it appears that by the middle or end of June they will occupy the building. He said he wants to wait until a few more things are in place before the Board takes a tour.

With respect to pouring the pad in front of the fire house and with the road widening project, the contractor asked if it has been officially awarded and if so, what the schedule is. Commissioner Castranio said he will answer the contractor. Mr. Fazekas noted that there will be a job conference before any work starts.

**PLANNING & ZONING COMMITTEE**

**ZONING HEARING BOARD HEARINGS FOR MAY 9**

There are no hearings scheduled.

**HARB CASES SCHEDULED FOR MAY 14**

There are no cases scheduled.

**CONSIDERATION/APPROVAL OF REVISED FINAL LAND DEVELOPMENT PLAN FOR LOUDOUN CENTRE, UAT FILE #18-12-03A**

The proposed project is for the redevelopment of the 5.99-acre tract of land located at 121 Gettysburg Pike. The tract of land is in the Township’s Highway Commercial (C-2) Zoning District.
CVS and George’s Cleaners occupied the site as part of a development plan approved in 2006. George’s Cleaners was in a temporary trailer but was vacated in early 2019. CVS will remain in its current location.

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. A total of 381 parking spaces will be provided as joint parking for all existing and proposed uses. The proposed use of the subject property is consistent with the Upper Allen Township Zoning Ordinance and Comprehensive Plan. The development will be served with public water and sewer.

The applicant has requested the following waivers:

Waive the requirements of Section 220-26.B(1)(e) requiring dumpsters to be screened with one shade tree per 40 linear feet and one evergreen tree per five linear feet of visibility. **Staff comment:** The applicant is providing a block wall and fence around the dumpster areas, comparable to the setup for CVS. Since there are no adjacent residential properties and the new dumpster locations will be in the back of the lot, staff does not object to the lack of live screening around the dumpsters. **Planning Commission recommendation:** The Planning Commission unanimously recommended approval of the request.

Waive the requirements of Section 220-16.C(3) to provide no less than five-foot radius of curvature on horizontal curves in parking areas. **Staff comment:** There are existing curbed areas within the parking lot that are less than five feet of radius. New curbed areas near the hotel are not expected to cause an impact in traffic flow. **Staff has no issues with this request.** **Planning Commission recommendation:** The Planning Commission unanimously recommended approval of the request.

Waive the requirements of Section 220-9.C(ff) and 220-10.A(2) to provide separate drawings for façade treatment, elevations, and floor plans. **Staff comment:** The applicant has provided elevation and façade plans for the hotel. An image of a similarly designed office building has been provided, although the final design is not yet determined. No plans have been submitted for the design of the bank. While staff would prefer this information at the time of plan review, the lack of façade plans does not yet impact the land development plan. The applicant must submit the façade and elevation plans at the time of building permit review, regardless of any waiver. **If the final design impacts the land development plan, the applicant may be required to seek additional approvals from the Commissioners.** **Planning Commission recommendation:** The Planning Commission unanimously recommended approval of the request.

The Community Development, Sewer, Police, Fire, and Public Works/MS4 Departments, as well as the Township Engineer and Cumberland County Planning Commission were notified on December 4, 2018, February 4, 2019 and April 4, 2019 that this plan is available for review, and their comments were provided. The Township Planning Commission unanimously voted to recommend approval of the applicant’s requested waivers at its February 25, 2019 meeting. They also unanimously voted to recommend approval of the applicant’s plan with conditions. The Planning Commission did suggest to the applicant that he consider granting the Commissioners a 90-day time extension so there was adequate time to review the plan. At that time the current period in
which the Commissioners would have to communicate their decision to the applicant ended on March 17, 2019.

On March 6, 2019, the Board of Commissioners first considered this plan. The Board brought up concerns about not yet receiving a lighting plan, which the applicant has now submitted. Additionally, there were concerns about the traffic. The applicant suggested there would be a decrease in total amount of traffic, but a slight increase in the morning compared to the original traffic study from 2006. Discussion ensued regarding the applicant’s previous contribution to traffic improvements in the area. There was minor discussion regarding sewer capacity. At the conclusion of the meeting, the applicant agreed to grant a time extension to come back later with a revised plan after several outstanding items had been addressed.

Afterwards, it was unclear if the applicant should proceed with any further analysis of the traffic. The original study was conducted in 2006. Per PennDOT guidelines, traffic studies should be no more than three years old. Based on the March 6th conversation with the Commissioners, the applicant may desire to ask for a waiver to Section 220-11.F requiring submission of a traffic impact study. On July 10, 2006, the Commissioners conditionally approved a land development plan for the Loudoun Centre. At that time, it was determined that the proposed development of a retail center would have minimal impact on the intersection at Gettysburg Pike/S. Market Street. The Traffic Impact Study (TIS) determined that the southbound approach to Gettysburg Pike/S. Market Street would degrade from a Level of Service (LOS) D to LOS E in the 2007 build scenario. The Commissioners accepted an offer to allow the applicant to submit a fee as part of his fair share contribution to the improvements instead of installing a right-turn lane. The applicant did submit $5,185.00 to go towards the intersection improvements. Mrs. Boyer provided language that should be incorporated into any conditions of approval for the land development plan should the Commissioners want to see a new TIS completed.

Developer Frank Nardo said he was here in March to present the revised plan. He resubmitted and addressed all comments in Mrs. Boyer’s letter. He noted that there are a few they just received and they are already being worked on. He asked that the Board approve the revised plan based on the fact that they are producing less traffic with the revised plan than the original plan, and they’ve given money to improve the intersection and have previously widened the road as requested by the Township.

Commissioner Anderson made a MOTION to approve the request to waive the requirements of Section 220-26.B(1)(e) requiring dumpsters to be screened with one shade tree per 40 linear feet and one evergreen tree per five linear feet of visibility. The applicant is providing a block wall and fence around the dumpster areas, comparable to the setup for CVS. Since there are no adjacent residential properties and the new dumpster locations will be in the back of the lot, staff does not object to the lack of live screening around the dumpsters. SECONDED by Commissioner Castranio. The motion carried unanimously.

Commissioner Anderson made a MOTION to approve the request to waive the requirements of Section 220-16.C(3) to provide no less than five-foot radius of curvature on horizontal curves in parking areas. There are existing curbed areas within the parking lot that are less than five feet of radius. New curbed areas near the hotel are not expected to cause an impact in traffic flow. SECONDED by Commissioner Castranio. President Martin said he assumes Fire Chief Shumberger
has looked at this plan and determined that the fire equipment will have mobility and access to all sides. Chief Shumberger responded that the only thing they requested is to have the hydrant more centrally located or to add another. Mr. Nardo said they added a second one. Mark Jones, of Hartech Engineering & Consulting, LLC, the applicant’s engineer, said the ordinance is a bit confusing when it comes to this topic. He said it appears that it refers to the center line of the parking lot rather than the physical curb radius. He said he had to get a staff interpretation and suggested it be clarified in the ordinance. The motion carried unanimously.

Commissioner Anderson made a MOTION to approve the request to waive the requirements of Section 220-9.C(ff) and 220-10.A(2) to provide separate drawings for façade treatment, elevations, and floor plans. A note shall be placed on the plan indicating that these plans shall be reviewed and approved as part of the building and zoning permit application process. At such time, copies of façade treatment, elevations, and floor plans shall be provided to the Board of Commissioners for their review. SECONDED by Commissioner Castranio. The motion carried unanimously.

Commissioner Anderson made a MOTION to approve a request to waive the requirements of Section 220-11.F requiring submission of a traffic impact study. SECONDED by Commissioner Castranio, who indicated that the applicant submitted a traffic impact study (TIS) in 2006. The TIS determined the southbound approach to the Gettysburg Pike/S. Market Street intersection would degrade from a Level of Service (LOS) D to LOS E in the 2007 build scenario. The Commissioners accepted an offer to allow the applicant to submit a fee as part of his fair share contribution to the improvements instead of installing a right-turn lane. The applicant did submit $5,185 to go towards the intersection improvements. The applicant provided an updated Trip Generation Report, which determined that the revised plan would have less of an impact than the previously approved plan. The motion carried unanimously.

Commissioner Anderson made a MOTION to approve the revised final land development plan for Loudoun Centre, UAT File #18-12-03A, with the following conditions, SECONDED by Commissioner Castranio:

**ZONING/ SUBDIVISION LAND DEVELOPMENT**

1. The loading space to the side of the bank and along the rear of the hotel are located within existing parking spaces. Section 245-17.9.D of the Zoning Ordinance states that off-street loading/unloading spaces shall not be located so that delivery vehicles accessing the loading/unloading space would not conflict with parking spaces and require backing maneuvers in areas of customer or public circulation. The applicant shall demonstrate how a delivery vehicle would safely access the loading area when cars are parked next to the loading space and customers are circulating in the area. We suggest further evaluation be given to the location of the loading spaces, and consider incorporating the loading spaces in a similar manner as the one in front of the proposed hotel.

2. Per Section 220-32 of the Codified Ordinances, public parking areas shall be lighted to a minimum average of two footcandles and a maximum of six footcandles. The applicant must demonstrate the lighting meets the minimum and maximum averages.

3. All lighting standards shall be no more than 25 feet in height, per Section 220-32.D of the Codified Ordinances of Upper Allen Township. The current lights selected are 30 feet in height.
4. Per Section 245-16.10.G.(5) of the Codified Ordinances of Upper Allen Township prohibits lighting illumination to exceed one footcandle beyond the property line. There are several areas on the plan where the lighting exceeds this requirement.

**STORMWATER**

5. We have conducted observations that identified a condition where stormwater runoff is not being collected by the existing stormwater inlets located along the northern access drive. The existing bituminous pavement surface is lower than the stormwater inlet grates which is causing stormwater runoff to be conveyed offset from the curbline and conveyed uncontrolled toward Gettysburg Pike. The limits of paving will need to be increased to correct the surface conveyance of stormwater runoff to the designated stormwater inlets.

**SANITARY SEWER**

6. On the Cover Sheet, a note shall be added to the plan listing the design sewage flows for the proposed new bank, 3-story office building and 4-story hotel and sewage flow from the existing CVS commercial building.

7. On Sheet 4 of 6 – Grading and Utilities Plan – the following shall be corrected on the final plan:
   a. Place flow direction arrows on sanitary sewer mains along Gettysburg Pike.
   b. Lateral/building sewer serving proposed 3-story office building must indicate the size and material and be shown connecting to the existing sewer line.

**ADMINISTRATIVE**

8. Any modifications, waivers, and/or deferrals granted by the Board of Commissioners shall be listed on the final plan, including the date on 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.

9. The applicant shall obtain approval of a revised planning module for new land development or approval of an exemption from the planning requirements 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.

10. 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 $1,641.80. 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 $3,481.80 per EDU before recording the plan, plus additional costs for inspection fees.

11. 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.

12. The applicant must contribute to the Township Recreation Land Acquisition and Improvement Fund in the amount of $13,684.80. 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.
13. 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.

14. 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 Section 220-10.B(1)(b) and Section 220-15.N(3) of the Codified Ordinances of Upper Allen Township.

15. All plans, profiles or drawings required under the provisions of this chapter shall include a certification by a Pennsylvania-registered professional engineer attesting that all elements of the plan are in conformity with the Township Code and applicable state regulations, as required by Section 220-15.N(3) of the Codified Ordinances of Upper Allen Township.

16. The landscape architect licensed by the Commonwealth of Pennsylvania shall sign and seal the landscaping plans, as designed in accordance with Section 245-6.8.B of the Codified Ordinances of Upper Allen Township.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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, edge of pavement, 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. The motion carried unanimously.
PUBLIC IMPROVEMENTS COMMITTEE

CONSIDERATION/APPROVAL OF PROPOSAL FROM TPD TO CONDUCT ROAD AND BRIDGE WEIGHT RESTRICTION EVALUATION

Mr. Fazekas provided an updated proposal from TPD to perform a weight restriction evaluation on select road segments and bridges in the Township. He said the original proposal did not include Wilson Road so he requested revised numbers to include it. The evaluation will include a need for truck restrictions based on size/weight on the following road segments and bridges:

- Allendale Road (between Mechanicsburg Borough line and Independence Avenue)
- Diehl Road
- East Winding Hill Road (between S. Market Street and Gettysburg Pike)
- Hertzler Road
- Mt. Allen Drive (from 100 Mt. Allen Drive to East Lisburn Road)
- Bumble Bee Hollow Road (entire length)
- Mill Race Bridge on Mill Road
- Trout Run Bridge on Mill Road
- Mill Race Bridge on Gettysburg Pike
- Wilson Road

Mr. Fazekas pointed out that Bumble Bee Hollow Road and Allendale Road are scheduled to be improved this summer, so the Board may want to complete these evaluations after the road improvements are completed.

Flat fee for professional services for the tasks listed in the Scope of Services is as follows:

- Geotechnical Investigation: $27,650
- Truck Restriction Study – Select Road Segments: $19,925
- Weight/Size Restriction Study – Select Bridges: $21,000
- Total: $68,575

Commissioner Castranio made a MOTION to accept the proposal from TPD for road and bridge weight restriction evaluation at a total cost not to exceed $68,575 without prior Board approval. Bumble Bee Hollow Road and Allendale Road are not to be studied until after the 2019 improvements are made. SECONDED by Commissioner Cochran. The motion carried unanimously.

ACCEPTANCE OF APPRAISALS FOR PROPERTIES ALONG ALLENDALE ROAD

There are four appraisals being conducted for the Stonehedge, Slagle, Greene and Fisher properties on Allendale Road to determine the just compensation for the value of the land the Township needs for the road improvements and/or additional right of way. Mr. Fazekas said he thought he would have all the appraisals back by now but the Greene and Fisher appraisals are not completed due to unavailability of the property owners. The Slagle and Stonehedge appraisals were completed and the Solicitor provided documents to be discussed in Executive Session.
Once the Board takes action to accept the appraisals, a formal notice and Declaration of Taking will be sent to the property owners along with a copy of the appraisals. If the property owner accepts the Offer of Just Compensation, payment is made, and no further action is required. If they reject the offer, the Township will file the Declaration of Taking at the courthouse and a check will be deposited in the amount of the Offer of Just Compensation. Once the Declaration of Taking is filed at the courthouse, the Township can enter the property and move forward with the road improvements.

The money to pay the just compensation can come out of the current Capital Reserve fund balance of $2.44 million. The 2019 budget is projected to have an end of year fund balance of $2.7 million.

Mr. Fazekas said he expects the Greene and Fisher appraisals to be completed by May 10. He noted that the Board adopted Resolutions on March 20 authorizing him to acquire rights-of-way and temporary construction easements. He said once we get the cover sheets on the appraisals he will scan and copy them to all Board members so they know the before and after damages from the appraisal sheets. Although the March 20 Resolutions give him the authorization to go ahead and do it, he said he will certainly inform the Board of what those amounts are. He said the Fisher property is the largest chunk of land we will acquire. The Greene will lose a portion of theirs but not to the extent of the Fishers. He said if they don’t accept the offers, according to the Solicitor’s time line we have to make two attempts to come to an agreement for just compensation, and then we would file an Application for Payment of Estimated Just Compensation at the courthouse. If they agree to accept the offer they would sign the Deed of Dedication and another document accepting the offer. He said Mr. Slagle stopped in the office on April 29 and coincidentally he had just received his appraisal. Mr. Slagle reviewed it and signed his Deed of Dedication and will accept the offer, so he said that money will go into correcting the violation he currently has to correct. If these two appraisals are acceptable to the Board, Mr. Fazekas said he would like authorization to make the Offer to Purchase to both property owners.

Commissioner Castranio made a MOTION to accept the appraisals from RSR Real Estate for the Stonehedge and Slagle properties, and to authorize the appropriate Township officials notify the property owners of the Declaration of Taking and make the Offer of Just Compensation, and to authorize staff to use Capital Reserve Fund balance to pay the Offer of Just Compensation. SECONDED by Commissioner Cochran. The motion carried unanimously.

**SANITARY SEWER SYSTEM**

There were no items for discussion.

**ADMINISTRATIVE COMMITTEE**

There were no items for discussion.
Mr. Fraser noted that the 2019 budget includes $50,000 for the purchase of a pickup truck and plow for the Public Works/Parks Department. Pricing was received from Fred Beans Ford for a piggyback purchase through the State COSTARS program. Total price is $2,069 for a Township-specified 2019 Ford F350. In addition to the truck, staff also priced out a 10’ plow at $6,700, for an overall unit cost of $48,769.

The spec for the truck was reviewed and recommended by the Township mechanic for its expected level of work and will include a diesel engine, crew cab and dual rear wheels to allow for additional towing capacity. The new F350, along with the existing Park-assigned F550, will be the primary towing vehicles for the larger dump trailer and vehicle trailers in the Parks Department. A previously-assigned F250 will be removed from the fleet and properly sold.

Expected delivery is within 60 days of ordering the truck from the dealer, with sale of the previous truck expected within that timeframe.

Commissioner Anderson made a MOTION to authorize the purchase of a 2019 Ford F350 and plow under the State COSTARS agreement for a cost not to exceed $48,769, SECONDED by Commissioner Cochran. The motion carried unanimously.

Commissioner Anderson made a MOTION to authorize the sale of the existing 2006 Ford F250 and plow via approved divestment methods, SECONDED by Commissioner Castranio. The motion carried unanimously.

Mr. Fraser noted that the Township has sold two vehicles through Municibid, and reached the top estimate on both. He said it’s been a pretty clean system the two times we used it. He said it is almost like eBay. The last time we got 38 bids, and mechanic Garrett Lucas said it wasn’t a difficult process. President Martin commented that COG is actively looking for merchandise, but we do get a better price through Municibid.

**PARK UPDATE**

Mr. Fraser said the playground at Mt. Allen Park has been installed. The stone base is in and the fence will be installed this week, weather permitting. Rubber mulch will go in and the facility will be open to the public hopefully next week. A bench will be near the fence to help the children who may need a time-out area. He said this is a sensory-focused park, and we will add fauna along the back for the neighbors. He said that area has changed quite significantly in the last year and is a nice little park. He is looking to do the roof at the pavilion as well.

**BASEBALL DONATION**

President Martin noted that Energy Alternatives donated $5,000 last week to Upper Allen/Mechanicsburg Baseball to purchase a new tractor to mow the fields.
MISCELLANEOUS

TAX COLLECTION COMMITTEE UPDATE

There was nothing to report.

CAPITAL REGION COG UPDATE

There was nothing to report.

MUNICIPAL ADVISORY BOARD UPDATE

There was nothing to report.

PA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS (PSATC) UPDATE

Commissioner Anderson noted that the annual convention is in Gettysburg in June. She said she still doesn’t have a program.

SOLICITOR UPDATE

There was no report.

EXECUTIVE SESSION

President Martin recessed the meeting at 8:12 p.m. to an Executive Session for an update on legal issues.

ADJOURNMENT

President Martin reconvened and adjourned the meeting at 8:30 p.m. with no further actions taken.