CALL TO ORDER

President Martin called the December 4, 2019 Board of Commissioners regular meeting to order at 6:34 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 November 6, 2019 Board of Commissioners meeting. There were none, and Vice President Rigney made a MOTION to approve the Minutes of the November 6, 2019 Board of Commissioners meeting, SECONDED by Commissioner Anderson. The motion carried unanimously.

PRESIDENT'S ANNOUNCEMENTS

President Martin said he hopes everyone had a safe and enjoyable Thanksgiving. He noted that he emailed information on the January 20, 2020 COG dinner to Board members and encouraged them to let staff know if they will go, along with menu choice. He noted that there will be a short Executive Session after the meeting on a potential litigation issue.

PRESIDENT'S RECOGNITION OF VISITORS

Jeff Williams, 334 E. Meadow Drive, noted that he and his wife moved to Upper Allen Township 10 years ago. He said he is in attendance to tell the Board of Commissioners why they really enjoy living here, and that is our park system. He passed along the praise from the Park & Rec Board for the support and effort that the Board of Commissioners provided for development of these parks. He said we are one of the finest park systems in South Central Pennsylvania and he appreciates the fact that the Board of Commissioners is willing to fund what it takes to be one of the finest, particularly with ADA compliance. He said he feels that the thanks is long overdue. He noted that we have a good group on the Park & Rec Board and will keep giving the Commissioners their opinions. President Martin said the Board of Commissioners thanks him also for his service, noting that the Township couldn’t operate without all the volunteers, and they play an important role.
Messiah College junior and senior Civil Engineering students Justin Blest, Erin Brenneman, Matt Burlew, Mikayla Eyster, Jared Fonda, Jordan Higley, and JJ Robinson presented an analysis of intersections that intersect with S. Market Street in the Township, to include the US 15 Northbound ramp, US 15 Southbound ramp, Gettysburg Pike, and Middle School and Upper Allen Elementary School driveways. As a class project, the students analyzed current flow in addition to the expected increase in flow over the next five years. Suggested solutions to improve a.m. Level of Service (LOS) and wait time at traffic signals include signalized changes and adding turn lanes at Gettysburg Pike and S. Market Street, one of which is a channelized right turn from Gettysburg Pike onto southbound Market Street. Suggested alternations to improve p.m. Gettysburg Pike and S. Market Street LOS include adding three turn lanes.

Board members complimented the students on their presentation. President Martin noted that there were at least three professional engineers in the room on other matters that should consider these students as employees. Commissioner Castranio complimented the students on their public speaking, noting that when he got into the field he had no idea how much public speaking would be involved. Commissioner Anderson, a former teacher, said their presentation was very good and she thinks they will go far. To their Professor, Michelle Lockwood, President Martin said he sees seven “A’s” sitting in the room. Vice President Rigney asked Township Engineer Jason Reichard if he could use any of the information presented. Mr. Reichard said there is a lot of great information in the study and he doesn’t think even Traffic Engineer TPD brought up the concept of channelizing the right turn lane, which is an interesting perspective. As we move forward he said they will take some of their recommendations into consideration. Commissioner Anderson added that if they want to study anything else in the Township, the Board would be open to it. Commissioner Castranio pointed out that regarding the channelized intersection, as a civil engineer you have to realize who you are working for, noting that you will be arguing for different things depending on that.

CONSENT AGENDA

There were no items for consideration.

PUBLIC SAFETY COMMITTEE

CONSIDERATION OF PERMANENT STATUS FOR PROBATIONARY OFFICERS SARAH COLLINS AND MASON deFILIPPO

Probationary Police Officers Sarah Collins and Mason DeFilippo will complete their one-year probationary period on December 7, 2019, and Chief Adams made a recommendation to grant them both permanent status effective December 8, 2019. The basis for his recommendation includes but is not limited to personal interaction, review of the Field Training Officer paperwork, task checklists, testing on critical policies, and input from other officers involved in their training. Chief Adams said the recommendation to grant permanent status effective December 8 assumes that no unforeseen circumstances arise between now and then that would cause him to rescind his recommendation.

Vice President Rigney questioned whether the Police Department provides diversity training, and Chief Adams said it is included in the academy and also part of the accreditation process. He noted a recent change in legislation that would add law enforcement to the category of people who can’t take
advantage of their position to have sexual relations with someone under their custody. He said Police Departments should be included from the very beginning of the legislation. He said accreditation is not the end all, cure all but if you want to push for professionalism in Police Departments, accreditation is one way.

Commissioner Castranio made a MOTION to grant Probationary Police Officer Sarah Collins and Probationary Police Officer Mason deFilippo permanent status as Upper Allen Township Police Officers effective December 8, 2019 based on their successful completion of a 12-month Probationary Period. SECONDED by Vice President Rigney. The motion carried unanimously.

FIRE DEPARTMENT UPDATE

Chief Shumberger had nothing to report. President Martin questioned whether the Fire Department is now using the pad in front of the fire station. Chief Shumberger said they are using it but the aggregate is starting to come up. Mr. Reichard noted that we put a friction surface on and it only received the first layer of material and then the temperature dropped. He said it is currently at a standstill as far as proceeding with the second level of material. He said they are currently using it and the only spot where it is coming up is where the heaviest truck comes in and out. President Martin noted that the concrete strength is good and once the weather is better we will put another coat of aggregate on.

Vice President Rigney asked about the progress of the naming rights effort. Chief Shumberger was did not have the latest information on that process, and said Jim Salter is running it. But he said he can get answers if the Board needs them. He noted that Christmas tree sales are underway, although he said he doesn’t know if they will continue after this year because they buy from Elickers at a very good price and they aren’t planting any more trees, so he doesn’t know how long they will continue.

PLANNING & ZONING COMMITTEE

ZONING HEARING BOARD (ZHB) HEARINGS FOR DECEMBER 12

Mrs. Boyer noted that the property owner at 71 Cumberland Parkway, Domino’s, is seeking a Variance to permit five signs on the property. They are proposing 4 wall signs and a ground pole sign. By right, she said 2 signs are permitted. She said the signs themselves appear to be within the size requirements but the number of signs exceeds the ordinance. She said staff has tried to work with them so they don’t have to go through this process but they want to move forward with the Zoning Hearing Board. Commissioner Anderson said what bothers her is that they knew what the signage was when they bought the property. President Martin questioned what percentage of their business is sit down versus pickup or delivery, noting that if it is a destination where you go to dine, then it’s possible that people don’t know where it is, but if you are going there for pickup you would know where they are. He said it feels more like the request is just for more advertising rather than destination-finding, and he encouraged the decision to be based on that. Vice President Rigney noted that the materials say 35% of their total sales are carry-out. He added that the application says it is impossible to develop the site without the signage, but he said they are already using it. President Martin said the fact that it is not primarily a sit-down restaurant negates the need for so many signs. Commissioner Cochran requested that someone attend and express the Board of Commissioner’s position.
HARB CASES SCHEDULED FOR DECEMBER 17

There are no hearings scheduled.

CONSIDERATION OF REVISED FINAL SUBDIVISION PLAN
FOR MARK & SANDRA HALBRUNER, UAT FILE #19-10-24

A subdivision plan for Klinedinst Farms for Esther and Rex Klinedinst was recorded in September 2006. General Note #11 on the plan says that Lot 1A must access onto Klinedinst Road, which was a condition of final plan approval. PennDOT prefers municipalities to require access onto local roads, when possible, to limit the number of driveways coming onto a state road. Additionally, a driveway along this area of Lisburn Road may have less site distance than one on Klinedinst Road. At the time of preliminary and final plan approvals Klinedinst Road was a two-way traveled roadway. Klinedinst was made a one-way traveled roadway in August 2011.

The applicant is asking for deferrals for curbs and sidewalks. While this is an amendment to the subdivision plan, no subdivision of lots is taking place; therefore, the deferral requests may not be applicable. However, the plan already has a deferral of sidewalks for these four lots. At this time, there are no immediate plans to install sidewalks along these sections of roadways; the deferral shall stand.

Currently, there is a driveway which extends onto Lisburn Road. The timeline of this driveway is as follows:

- In December of 2016 the owner of the property received an approved Zoning Permit and Highway Occupancy Permit (HOP) for the construction of the driveway that currently accesses E. Lisburn Road.
- In June 2017 it was discovered that the location of the proposed driveway could have adversely impacted a low-pressure sanitary sewer force main located along E. Lisburn Road. This was discovered after the property owner failed to do a PA One Call. A letter was sent to the property owner to cease any work being performed on the driveway until the Sewer Department inspected the site. The Sewer Department has since deemed the driveway location acceptable; no impact will or has taken place on the force main.

At this time, it had been discovered that a note was placed on the final subdivision plan limiting access onto Klinedinst Road. The plan was located, and the property owner was notified of the condition.

- In June 2019 a letter was sent to the property owner notifying them that the original permit for the driveway had expired and they were in violation of paving the stone/dirt drive and connecting access onto E. Lisburn Road. Additional correspondence between the property owner and staff took place to either remove the driveway or seek an amendment to the final subdivision plan to remove the note that restricts site access onto only Klinedinst Road.

The Community Development, Sewer, Police, Fire and Public Works/MS4 Coordinator departments, as well as the Township Engineer and Cumberland County Planning Commission, were notified on
November 4, 2019 that this plan is available for review, and comments were received from all but the Cumberland County Planning Commission, Township Engineer and Fire Department to date.

The Police Department has suggested the access onto Lisburn Road be restricted to a right-in/right-out only due to traffic site hazards in this area. Similar restrictions have been placed on other driveways near this location. The applicant should provide something in writing from PennDOT stating if any restriction should be placed on the driveway due to its location. If the plan is approved, the property owner will be required to secure a new Zoning Permit for the driveway and pay all applicable fees. If denied, the property owner shall remove the driveway and access onto Lisburn Road.

The Upper Allen Township Planning Commission unanimously voted to recommend conditional approval of the applicant’s requested deferrals at its November 25, 2019 meeting. During that meeting the applicant addressed the Police Department’s concern about restricting the driveway access to a right-in/right-out only turning movement. PennDOT has issued a Highway Occupancy Permit and did not place any restrictions on the turning movement, and worked with the property owner to come up with an appropriate access location which provides enough site access to turn safely in/out of the property. The property owner supplied the Township with correspondence from PennDOT stating that the work was completed in accordance with the HOP.

Applicant Mark Halbruner, of 801 E. Lisburn Road and Eric Diffenbaugh, the engineer who prepared the plan, were in attendance. Mr. Halbruner said the note was on the subdivision plan of a prior owner. He said it was subdivided years before he bought it and at that time it was a two-way road and the plan said his lot must access onto Klinedinst. He said they bought the property and then the road was turned into one-way and they applied to both PennDOT and Upper Allen Township to put a second branch of their driveway onto Lisburn Road. Before they can use it, he said they have to remove the note so they can use the driveway.

President Martin said staff mentioned that there is a sewer line under the driveway, but Sewer Department Director Barry Cupp said that is no longer an issue. Commissioner Cochran said he thinks it remains an issue that the driveway is so close to Klinedinst Road. Mr. Halbruner said he appreciates the comment and said when he was putting the driveway plan in motion he assumed the best place would be as far away from Klinedinst as possible, but PennDOT told him to put it there. Commissioner Castranio said the concern is that you can’t see people coming if you are trying to turn left into the driveway from Lisburn Road and Commissioner Cochran said if someone is coming out Klinedinst and someone is coming out of the driveway, then the driveway will be obstructing the view of the person trying to come out of Klinedinst because the driveway sits higher than Klinedinst. Mr. Halbruner said the primary use of the Lisburn Road driveway is not to exit, but to enter. He said they can use their other driveway to exit and that is not the problem. Commissioner Castranio asked Mr. Diffenbaugh if he checked the site distance, and he said he didn’t because Mr. Halbruner already had the permit and the driveway is in.

Mr. Halbruner said the permit says it meets PennDOT requirements, and he said he wasn’t hiding the note on the plan. President Martin noted that what changed is that the Township changed the movement of Klinedinst, and if we hadn’t done that, Mr. Halbruner wouldn’t be here. Mr. Halbruner said when they bought the property they expected to be able to drive both ways. He said his purpose
in getting the driveway was to enter, but Commissioner Cochran said you can’t keep people from going out, citing deliveries, for example.

Commissioner Castranio said he is ok with removing the note but is not 100% sure that all the site distances that PennDOT checks have been checked. Mr. Reichard said the PennDOT permit is the application, with notes added to it by PennDOT staff, with final approval noted on the last page he thinks. He said he has the permit but there would have been an application submitted to get the permit. Mr. Halbruner produced the application, and Commissioner Castranio reviewed it and said he doesn’t agree with the site distance analysis but he can’t argue with it.

Commissioner Cochran said the Township wouldn’t have approved those lots with more traffic going onto Lisburn. Mr. Halbruner argued that he had nothing to do with this. He said it is more than the inconvenience of one way, but also the fact that they applied for permits and received them from both PennDOT and Upper Allen Township. Commissioner Castranio said he is just concerned that it’s not safe. Mr. Halbruner said when they went to PennDOT they had a letter of awareness and a permit from the Township. Mrs. Boyer commented that at the time they didn’t have a copy of the plan and didn’t know there was a note until later on in the process. Commissioner Cochran questioned what the sewer issue was. Mr. Cupp said the Sewer Department marked the location of the line, and Mr. Halbruner excavated where they indicated there was no sign of a sewer line in that area, and it was the Sewer Department’s opinion that the sewer wouldn’t be impacted by it. Mr. Fazekas said there is a low pressure 4” force main that parallels Lisburn road in that area.

If the Township and the State both approved the permit, Vice President Rigney questioned how we can now go back on our word. He added that Mr. Halbruner has already built the driveway based on two permits he received. Commissioner Cochran questioned how many driveways are allowed per lot, and Mrs. Boyer said you are allowed two driveways if you have 100’ of road frontage. Noting that people speed through that area, Mr. Halbruner recommended a 3-way stop sign there although it was pointed out that the Police Chief contends that stop signs don’t slow traffic because drivers just speed to the next stop sign to make up the lost time when stopping. Commissioner Cochran commented that Mr. Halbruner acted in good faith.

President Martin thanked Mr. Halbruner for coming in and applauded him for following the process, commenting that some people wouldn’t have waited. Commissioner Cochran asked staff how we keep this from happening again, noting that it is not the first time for similar things. Mrs. Boyer said staff is trying to collect plans we don’t have record of. Sometimes she said we rely on residents to know what they can and can’t do, which doesn’t catch it all. If we know there is a plan involved, she said we do check them. Mr. Fazekas said if there was a PA One Call made it could have stopped it before he did the construction but Commissioner Cochran said that isn’t a good excuse. He said if we have restrictions on plans, the Township should know about it and shouldn’t rely on the property owner.

Commissioner Anderson made a MOTION to approve the revised final subdivision plan for Mark & Sandra Halbruner, UAT File#19-10-24 with the following conditions, SECONDED by Vice President Rigney.

ADMINISTRATIVE
1. Any modifications, waivers, and/or deferrals granted by the Board of Commissioners shall be listed on the revised final plan, including the date in which such action was granted, in accordance with Section 220-10.B(3) of the Codified Ordinances of Upper Allen Township. All deferred improvements shall be shown on final plans as future improvements.

2. 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.

3. 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) of the Codified Ordinances of Upper Allen Township.

4. 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. *Note: If approved, the property owner will be required to secure a new Zoning Permit for the driveway and pay all applicable fees.*

5. 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.

6. The applicant must satisfy all conditions on the approval of the plan and the plan must be recorded within 180 days from the date of approval by the Board of Commissioners or the plan will be considered disapproved. Since the final land development plan is approved with outstanding conditions, the signature block for the Upper Allen Township Board of Commissioners shall state the date in which the conditional approval is granted. A second line shall be added to state, “The conditions of approval were satisfied this ___ day of _______, 2019.”

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 OF RESOLUTION TO ADOPT STANDARD CONSTRUCTION AND MATERIAL SPECIFICATIONS MANUAL**

C. S. Davidson worked with staff to compile a comprehensive listing of various construction activities that take place within the Township. The requirements for each type of improvement are listed in this manual, with supplemental standard construction spec sheets. The manual will be known as the Construction and Material Specifications Manual. The Township’s ordinances, such as Chapters 214, 217, 220 and 245, cover basic minimum requirements for new construction and other improvements. What the Township doesn’t have is a comprehensive manual with specifications covering nearly the full scope of construction-related work associated with development projects.
This manual includes various sections which cover quality control, materials and execution practices. Mrs. Boyer noted that the manual was discussed at the last Public Improvements Committee meeting and the Board liaisons were in favor of it. She said the Committee did question why there is a section on water main construction when it is the Water Company that decides those standards. She said it was subsequently discussed with C. S. Davidson and it was felt that we should keep it in simply for standards in case we would come across a private water system, but for anything dealing with the public water system we would rely on the water company. She said we are already following a lot of what is in the manual but just don’t have it in a comprehensive document. Regarding the water question, Commissioner Castranio questioned whether we could get in trouble later if a contractor looks at this manual and follows it but the water company’s requirements are stricter than ours, but Mr. Reichard said he doesn’t think so because the water company still has to approve it before construction takes place. He said we can add a disclaimer but Mrs. Boyer pointed out that it is already included in the manual.

President Martin asked if there is information in the manual about aerial things such as utility poles, for example, and Mrs. Boyer said the manual does not include those things. President Martin said we might want to think about development of a manual for that too. Vice President Rigney said he thinks sloped curbs make a lot of sense if we are encouraging sheet flow. He noted that in his own neighborhood where they have the straight vertical curbs, some car doors can’t be opened because the curbs are too high. He questioned whether we could specify that rolled curbs could be acceptable rather than straight curbs, but Mrs. Boyer said we would have to amend the Subdivision and Land Development Ordinance (SALDO). She said to tie this to the SALDO means that any time we would want to change it we would have to go through the advertising process because it is an ordinance.

Commissioner Castranio made a MOTION to adopt Resolution No. 1012 to establish the Construction and Material Specifications Manual as the Township’s standard construction requirements, SECONDED by Commissioner Cochran. The motion carried unanimously.

CONSIDERATION TO ADOPT A SIDEWALK TESTING PERMIT

Still cross-referencing the manual just approved above, Mrs. Boyer said the requirement to have additional concrete testing for sidewalks has been discussed. She said the additional testing requirements are listed in the Construction and Material Specifications Manual. Currently, C. S. Davidson inspects the construction of sidewalks for new developments. During his inspection, the inspector looks at baseline development of the following: stone depths, slope, wire fabric and placement, depth of driveway aprons, control joints, expansion joints, etc. The average cost of this inspection is about $100-$150 per lot. If the Township would require the material to be tested, C. S. Davidson would conduct additional testing of the air content, slump, and temperature. This additional testing would cost about $150-$200 per lot, for a total of $250-$300 per lot.

Staff recommends requiring additional testing for all new construction, as well as repair or replacement of existing sidewalks. For new development, developers will construct new sidewalk areas in accordance with an approved subdivision or land development plan. The improvements are typically secured with financial security. Inspections are performed, and financial security for those improvements is released after the work has been completed. The costs for the inspections are charged to the developers’ escrow accounts; they are required to provide 10% of the cost of improvements for review and inspections.
For repair and replacement of existing sidewalks, or construction of sidewalks not part of an approved subdivision or land development plan, Mrs. Boyer said we do not have a permitting system in place. She said repair and replacement of sidewalks are in accordance with Chapter 217 of the Township’s ordinances, and Section 217-23 does already state that the property owner shall make application to the Township prior to the reconstruction or repair of any curb or sidewalk. Staff recommends that any land owner installing 20 feet or more of new sidewalk that is not part of an active plan must secure a permit to have the material tested and to ensure that the sidewalk is properly installed. It was noted that a sidewalk of 20 feet or more equates to 4-5 slabs of 4’x4’ or 5’x5’ sidewalk. Most townhome lots are 20-30 feet in size.

Staff recommends a two-tiered fee system. For developers/land owners who are installing sidewalks as part of an active development plan, the cost of the testing and inspections will be billed at cost to their escrow account. The actual testing cost could vary depending on the amount of concrete used and how much sidewalk is being constructed at that time (and over multiple lots). The cost would balance out over time. All developers would be responsible for any additional costs that would result from testing or inspections that receiving a failing notice.

For land owners who are replacing or installing new sidewalk sections that are not associated with an active development plan, staff suggests a flat permit fee, noting that it is more efficient for the Township to collect a cost up front than to ask for payment or additional money after the land owner has secured a permit and the work has been completed. Staff suggested a flat fee of $150.00 and the remaining cost would be absorbed by the Township, as this permit requirement is a service to not only the land owner but also to the general public who utilize the sidewalks.

Mrs. Boyer said she would like to implement this new policy for January 1, 2020, giving time to notify residents and developers of the new requirements. If approved, the fees would be incorporated into the Township’s Fee Schedule for 2020 by Resolution. At the end of 2020 staff would reevaluate the fees collected to determine if any amendments should be made.

Commissioner Cochran commented that new homeowners buying a property would have no idea what they are getting into. President Martin questioned how many other municipalities have a fee for replacing sidewalks. Mr. Reichard said there are others he works with that do require it. Commissioner Cochran said if he is going out and contracting with someone, it is his responsibility to cross his T’s and dot his I’s. He said that is different than if you buy a house with existing sidewalks. President Martin asked if we have a method to require people to fix failing existing sidewalks, and Mrs. Boyer said we do under chapter 217, but we don’t drive around looking for violations. If someone reports it or we notice it, she said we will tell the property owner about it. Commissioner Anderson said Lower Allen Township used to have a program where they would go through selected neighborhoods and inspect the sidewalks and mark those that needed repaired. President Martin suggested that maybe annually we should go around and look. Commissioner Cochran noted that as developments mature, sidewalks heave. Mr. Fazekas said Mechanicsburg Borough has a guide, and if a sidewalk has heaved a half inch or deeper it must be removed.

Mrs. Boyer said if the Board isn’t comfortable with requiring residents with existing sidewalks to do any kind of testing, we can do only the new construction for now. Commissioner Cochran said he is fine with new construction, but said the public has to be responsible for the things they do. He said he doesn’t think it will go over well if we tell people to replace sidewalk and then charge them to inspect it. Commissioner Castranio said an option could be to have the fee waived because it is
benefiting everybody and we could have the taxpayers pay for it instead. Mrs. Boyer said there are townhome developments where we will never take over those roads, and while there is public access, it is not a public sidewalk. Vice President Rigney said he thinks we have much bigger fish to fry; for example, people who build additions without permits. He said he doesn’t think this should be a priority. President Martin said he is ok with it as long as we have the ability to force the homeowner to replace it if it is a hazard. Commissioner Cochran said if the home owner wants to cut corners and put it in cheaply, then we will just be back telling them sooner to replace it.

Mrs. Boyer said she will clean the proposed language up based on the discussion and will bring it back to the December 18 for consideration again.

**AUTHORIZATION TO ADVERTISE AN ORDINANCE TO AMEND CHAPTER 217, ARTICLE II, CURBS, SIDEWALKS AND DRIVEWAYS**

Chapter 217, Article II of the Township Code outlines the responsibilities regarding the construction and repair of sidewalks, curbs, and driveways. Minor amendments are necessary to reference the Township’s Construction and Material Specifications Manual, eliminate conflicting language with other ordinances, and to establish a fee and permitting requirements for the installation, repair or replacement of sidewalks. Board members reviewed the proposed ordinance and a lengthy discussion ensued on the provisions of Section 217-20 regarding curb requirements and specifications. Discussion centered around the proposed size of horizontal and vertical gaps that are permissible before a curb is defined as “deteriorated.” Board members felt that the proposed ordinance calls for a pretty dramatic change in that section. Following the discussion, Commissioner Cochran made a MOTION to authorize the appropriate Township staff to advertise the proposed ordinance, amending Chapter 217, Article II. The Board of Commissioners will consider adoption of the Ordinance on December 18, 2019. SECONDED by Commissioner Castranio. Vice President Rigney then made a MOTION to amend paragraph 217.20.D(4) to change the horizontal gap measurement from ½” to 1”, SECONDED by Commissioner Cochran. The amended motion carried unanimously.

**CONSIDERATION/APPROVAL OF C. S. DAVIDSON’S RATES FOR 2020**

Township Engineer Jason Reichard, P.E., of C. S. Davidson, provided an overview of the level of effort that C. S. Davidson contributed to the Township in 2019, along with a projection of billing rates for the 2020 calendar year. Based on the 2019 record data, he projected a rate increase of 3.34% for 2020, pointing out an average increase per year of 3.14% since their original appointment in 2014.

Commissioner Cochran made a MOTION to approve C. S. Davidson’s 2020 rate sheet as submitted by Mr. Reichard, SECONDED by Commissioner Castranio. The motion carried unanimously.

**DISCUSSION ON BUMBLE BEE HOLLOW QUARRY USAGE**

Mr. Fazekas noted that following recent complaints from neighbors Mark Hughes and Bill Watroba about noise and other issues resulting from soil moving activities at the quarry, the Public Improvements Committee discussed the usage of the quarry. He said Board members were provided with a copy of those meeting minutes. Mr. Fazekas said based on Mr. Reichard’s analysis after the Board’s last meeting, we were within the permit limits. He said the Township was provided with the
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NPDES permit. Based on guidance last week, he said staff put a halt on bringing dirt in. He said they were shut down on November 29 and Kinsley Construction was asked to provide a copy of the report related to the soils, and it revealed that they are clean. He said Mr. Reichard is looking to make sure the current permit covers the fill. He noted that the Meadowview Water Quality Basin project that the Township did earlier in the year was the reason the permit had to be amended. In this case, water was accumulating in the quarry causing stagnant water and mosquitoes. He said we wanted to add fill to level it off for more efficient use for leaf compost. President Martin recapped that what we have done to date is either permitted or will be permitted, and the material we have brought in is not contaminated. He asked if there is enough material there now to level it as planned, and he questioned what the plans are to continue and finish it. He said Mr. Hughes’ issues were all operational issues, and after he got more information that everything was legitimate he wondered why we halted the whole thing. He questioned whether we should reenergize the project and complete the process, but Commissioner Cochran commented that Kinsley has now found another home for the fill.

Mr. Fazekas noted that the plan was to level it to the level of Bumble Bee Hollow Road and we still plan to level what is there. He said at this point there is enough material to get a better surface than we had before and to eliminate the water. He said Kinsley loaned us a bulldozer but now that we stopped the operation they are taking the bulldozer back. President Martin said they have an obligation to use the bulldozer and level off what is there, noting that we did them a favor and they should follow up. He applauded Mr. Fazekas for stopping it but said now we have further information. Mr. Fazekas said he will discuss it with Kinsley. Commissioner Castranio commented that Mr. Reichard had an E&S plan, and then we wanted to put fill in there in addition to what is on that plan, and now Mr. Reichard has to amend it. He said the amended plan is in the works. President Martin strongly suggested that Mr. Fazekas negotiate with Kinsley, noting that he thinks they owe us a bulldozer to level it out. He asked if anyone talked to Mr. Hughes about his offer to take the compost instead of the Township storing it in the quarry, and Mr. Fazekas said he had not talked to him about it. President Martin continued that the Township shouldn’t be bullied into stopping. He said we should be considerate of the hours and try to make some measures to be accommodating, but shouldn’t stop. Mr. Fazekas commented that the Board directed him to cut it off. Commissioner Castranio clarified that we were allowing Kinsley to dump at an unpermitted site as far as an active E&S permit, which the dumping contractor must have. He said they were dumping at a site without an active E&S permit.

**DISCUSSION ON EMERGENCY FLASHER AT ENGLISH DRIVE/GETTYSBURG PIKE**

Mr. Fazekas said the last email he received from the contractor, C. M. High, was that they have ordered the material. Evidently the wrong brackets came and they have to reorder. He said they tentatively expect them to arrive on December 9 and they will install them shortly thereafter. Regarding the signal not working properly, he said they went out and tested it. President Martin questioned whether the flashing yellow light was tested with actual fire equipment and Mr. Fazekas said it was not. He said they have some equipment that simulates the sound the fire equipment makes. President Martin said it was brought to his attention that our apparatus wasn’t triggering the signal. Chief Shumberger said it has worked sporadically off and on since Chief Adams pointed out that it wasn’t working. President Martin suggested that Mr. Fazekas get C. M. High here to test the
light with an actual piece of equipment to make sure it is fixed. Unless you use our equipment, with our trigger equipment, he said we won’t know for sure.

**SANITARY SEWER SYSTEM**

**CONSIDERATION/APPROVAL OF GHD’S RATES FOR 2020**

Sanitary Engineer Joel Kostelac, P.E., provided the proposed 2020 fee schedule for services provided to the Township. Individual rates for staff members typically involved with Township projects were provided, with 3.4% rate increases. He said the rate increase equates to an approximate impact to the Township of just less than $400 on as-needed engineering services. The increases will not affect current not-to-exceed budgets for ongoing Township projects and similarly, there is no increase to the annual services retainer, which was reduced in 2016 and had not increased since its inception in 2007. Future project budgets will be based on the 2020 rates and reviewed and approved by the Board on a project-specific basis at that time.

Vice President Rigney made a MOTION to accept the rate schedule presented by GHD for 2020 rates, SECONDED by Commissioner Castranio. The motion carried unanimously.

**ROLO COURT DISCUSSION**

Vice President Rigney noted that Rolo Court residents attended a recent Sewer Advisory Board (SAB) meeting and indicated that they believe there is a system-wide problem with Rolo Court’s sewer collection system. He said the SAB had enough concern that they voted that the Board of Commissioners and staff should investigate and rectify the situation as best they can. He said he has since talked to staff, Mr. Fazekas, SAB members, and Board members, and it appears that what seems to be agreed on is that staff would reach out to Rolo Court owners and ask how we can be of assistance to them and how perhaps they can be of assistance to us in investigating to see if there are problems, and simultaneously to reach out to individual residents who own homes there to see if they can assist us in helping discover what the problem may be. He added that he would like to have dates that the Board can look forward to action by staff to address those issues. He said he believes the Solicitor was also asked to do further investigation. He went on record that he would like some kind of consensus from the Board that that is the direction we want to go.

President Martin said the Board discussed the sequence of activities in Executive Session and Vice President Rigney wants some kind of reference to it in the minutes, and he wants to see dates when we think we can accomplish it along with the steps we intend to take.

Vice President Rigney said he was impressed that when the Sewer Department gets a complaint from a resident, they respond within 20 minutes. He said we have a pretty responsive Sewer Department and if there is some way we can let people know to contact them, we should do that. Sewer Department Manager Barry Cupp said we do want to reach out to the park owners and discuss the problem and possibly how we can help them. He said it will be good if they are receptive, but if not, then we need to take more drastic measures. He added that he doesn’t think the Rolo Court residents are getting our newsletter but we do have all the addresses so we plan to include them in mailings and intend to mention things about what not to do and to give them information on who to call if they have a backup. He said he doesn’t think the majority of the residents know they should contact
the Township. He said if they call us rather than the park owners, they will get more action, so those are measures we can take now. President Martin suggested a fact sheet just for those residents. Vice President Rigney asked for a specific date for these things to happen, and Mr. Fazekas said we have to get some information together and then we can give a date. He noted that over the last 12 years there was maybe one complaint a year. President Martin directed Mr. Fazekas to come back at the December 18 meeting with a timeline, and directed Mr. Cupp to do a tip sheet or newsletter specifically for those residents, and to make sure they are on the newsletter mailing list.

ADMINISTRATIVE COMMITTEE

CONSIDERATION OF RESOLUTION CONSENTING TO CONTINUED RESETTLEMENT OF REFUGEES IN UPPER ALLEN TOWNSHIP

This resolution was considered at the previous Board meeting and action was postponed until tonight’s meeting. Commissioner Cochran restated his objection and said he thinks it’s a political move more than a legislative move. He said there is nothing we do that will prevent a refugee from coming to the US, noting that Governor Wolf has already said Pennsylvania is willing to accept them. But he said it hasn’t been tested as to whether or not we can say no and keep them from coming to Upper Allen, and he doesn’t think it would stand the test in court, but he has no advance knowledge of that. He shared and summarized a Pew Research Foundation article from October 2019 entitled “Key facts about refugees to the US,” to put things into perspective. He said there’s nothing any of us can do since President Trump decides who can come in, and how many. President Martin thanked him for the report but said his personal perspective is that although it probably won’t make any difference, to the residents who know we have the ability to pass this, we should do anything we can do to endorse or make them feel more welcome. He added that the Solicitor has said previously that it probably won’t hurt anything. He said he would like to go on record so our residents feel that we are supportive of them being here.

Commissioner Castranio noted that he did a lot of research in preparation for tonight’s meeting. He said he read the Executive Order and it is clear to him that a local municipality would need some type of approval; however, it also says that within 90 days there will be a process developed to determine whether local municipalities shall agree whether or not to let refugees in. He said he called local legislators and emailed the Department of State and could not get an answer as to what we are supposed to do within 90 days. He said until that is determined he thinks we are a little premature on the resolution. Solicitor Feinour said he didn’t think nearly as deeply about this issue as Commissioner Cochran did, but his understanding is that assuming for point of argument that the Executive Order will be implemented and has validity, which he questions, unless the municipality adopts this type of resolution, the Department of Refugee Resettlement will not approve this location for refugee resettlement. He said the crux is that those issues will still be determined by that Department and not President Trump, so at the end of the day it may not change anything, but for right now the impetus is just to take what action can be taken to remove a perceived impediment. Vice President Rigney said it is symbolic if nothing else, and is ironic that in the month of October no refugees were allowed into the United States. And, he said, that is legal refugees who wait 7 years or more during the vetting process. He said he doesn’t think we should try to foresee what the legal challenges to President Trump will be, noting that it is his Executive Order and we should respond and say yes. He said he is supportive of the resolution. Commissioner Cochran said he was trying to do research and noted that we can’t even agree on whether people are refugees, asylum
seekers, or immigrants. Commissioner Castranio said he doesn’t think we have enough information on the 90-day process and we don’t have enough information on the whole thing yet. He pointed out that the fourth paragraph of the proposed resolution indicates that several local businesses depend on refugees to meet labor demands. He questioned the validity of that statement. President Martin agreed that we don’t have enough information and said the request for Upper Allen to adopt a resolution didn’t come from the government, but from a private organization. Consensus of the Board was to get more information and bring the resolution back to the next meeting for further discussion. The Solicitor was directed to research the issue, including Commissioner Castranio’s question about the resolution language.

Vice President Rigney made a MOTION to postpone action on the Resolution to December 18, SECONDED by Commissioner Cochran. The motion carried unanimously.

**CONSIDERATION OF RATE CHANGE FOR SOLICITOR**

Township Solicitor Feinour provided his firm’s proposed hourly rate increases for 2020 at $5.00 per hour for Upper Allen Township and the Upper Allen Township Authority. There will be no change in the quarterly retainers covering attendance at regular and special meetings of those bodies. He indicated that the effective hourly rates for retainer matters are below the stated hourly rates. He noted that this is the second increase since 2010, and the first since 2016.

Commissioner Cochran made a MOTION to accept the rates of the Township Solicitor as presented, SECONDED by Commissioner Anderson. The motion carried unanimously.

**PARK AND RECREATION COMMITTEE**

President Martin commented that he thought it was nice that Jeff Williams spoke at the beginning of the meeting and thanked the Board of Commissioners for their support of recreation initiatives.

**MISCELLANEOUS**

**TAX COLLECTION COMMITTEE UPDATE**

There was no report.

**CAPITAL REGION COG UPDATE**

There was no report.

**MUNICIPAL ADVISORY BOARD UPDATE**

There was no report.

**PA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS (PSATC) UPDATE**

There was no report.
SOLICITOR UPDATE

There was no report.

MISCELLANEOUS

President Martin noted that Board members will meet on December 11 prior to the Public Safety Committee meeting to interview candidates, and on December 16 the Board will continue talks regarding Public Safety organization.

Staff was thanked for purchasing gift cards for the volunteers from the Upper Allen Woman’s Club, noting that they receive a percentage of the sales back to be used towards their causes.

EXECUTIVE SESSION

President Martin recessed the meeting at 9:02 p.m. for an Executive Session on a potential litigation issue.

CONTINUATION OF MEETING

President Martin reconvened the meeting at 9:45 and continued it until December 16 at 8 p.m. for continued Executive Session discussion.

EXECUTIVE SESSION

President Martin reconvened the December 4 meeting at 7:30 p.m. on December 16 for continued Executive Session discussion on a potential litigation issue.

ADJOURNMENT

President Martin adjourned the December 4 meeting at 8:50 p.m. on December 16, with no further actions taken.