President Martin called the Board of Commissioners regular meeting to order at 6:32 p.m. following a Stormwater Authority meeting. A moment of silence was observed, and The Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Fazekas. Commissioner Anderson participated by conference call.

**CONSIDERATION/APPROVAL OF MEETING MINUTES**

President Martin asked for any comments or corrections to the Minutes of the October 16, 2019 Board of Commissioners meeting. There were none, and Vice President Rigney made a **MOTION** to approve the Minutes of the October 16, 2019 Board of Commissioners meeting, **SECONDED** by Commissioner Cochran. The motion carried unanimously.

**PRESIDENT’S ANNOUNCEMENTS**

President Martin thanked residents for participating in a peaceful and well-attended election. He said we had around 40% participation, which was great. He congratulated Commissioner-Elect Jeff Walter, who was in the audience.

President Martin noted that we received the following correspondence:

- A thank you from the Mechanicsburg Chamber of Commerce for sponsoring the 2019 Halloween parade, which was the largest in recent history.

- Acknowledgement from Meals on Wheels for our support of $1,000 to them. He said they have nearly 200 volunteers and they are committed to delivering home cooked hot and cold meals to about 150 Upper Allen clients every Monday, Wednesday and Friday. He said they don’t receive any other funding but rely on local municipalities and other contributions.

- Letter from Christine Metcalf regarding her concern with respect to the Willows at Ashcombe Mansion as relates to flood plain management and preservation of the quality of Trout Run. President Martin submitted the letter for the record.
PRESIDENT’S RECOGNITION OF VISITORS

Mark Hughes, of 206 W. Lisburn Road, expressed concerns about noise and other problems at the Township’s quarry across from his property. He said over the last 45 to 50 days more than 10 and sometimes more than 50 trucks are coming down Bumble Bee Hollow Road, which was just paved, and dumping dirt in the Township’s leaf mulching facility. He said it is causing several problems such as dirt on the road, stones on the road which he has had his employees sweep and clean off, chipped windows, motorcycle danger, speeding trucks, weight, noise when they slam the truck beds, and the pollution they are causing on the property. He said every day he has measured speeds of 45-50 mph with his radar gun, and as seen on his cameras a caravan of trucks starting early in the morning. He said the noise of the tailgates slamming from 6:30 a.m. up to 7:30 p.m. measures up to 105 decibels. He said a 12-gauge shotgun measures about the same. He said they have no rubber bumpers and the noise from the backup alarms is annoying. He said he was previously told nothing can be done about them, but according to the Federal Highway Administration they can be turned down to a lower level and rubber bumpers and bottom-loading trucks that don’t slam can be used. He said they should have personnel directing the trucks instead of the beepers. He said the noise regulation says 85 decibels can’t be exceeded to leave the property onto surrounding properties, and he has gone away 4 days a week to avoid it. He said his house is sturdy with thick windows and walls and you can hear it like it’s right there. He said the stone in the quarry creates a tunnel of sound straight to his house. He said he found out today that the soil is coming out of Trindle Station, which was a superfund site for an oil spill in previous years, and now we have this soil mixed with water. He said he was told we have a quarry permit, which means removing, not adding. He cited a section of the PA Code which says you have to notify the neighbors. He said there is so much money being wasted with employees running trucks, turning the mulch over and giving it away or not getting much for it. He said he has offered to buy it and gets no response. He said he has pictures and videos and has employed a drone company to fly over and record. He said his data is good and the only thing he doesn’t have is recorded decibel levels by a professional, which he can get. He asked the Board what can be done. He said he understands it is a short project but said it may have long-term results on the soil. He said the activity causes him, his wife, and their cat issues and anxiety.

President Martin said he has never heard anything about soil from Trindle Station but will certainly ask staff to respond. Regarding the magnitude of the noise, he said any construction vehicles or activity can be there from 6 a.m. forward. He said if they are starting at 6:30 it may not pass a personal ordinance but is not violating a Township ordinance. Mr. Fazekas said we have asked our staff to try not to work down there until 7 a.m. because of the noise. President Martin says another construction project in the area is close to his house and starts at 6 a.m., so he knows what Mr. Hughes is talking about. Mr. Hughes said he wants to provide a demonstration of what the decibels sound like at the next Board meeting. He said the trucks are going 40 mph in a 25 mph zone all day long, every day, and he noted that the speed limit signs were never replaced after the paving. Commissioner Cochran questioned our acceptance of material from Trindle Station, and Mr. Fazekas said he wasn’t aware of exactly where it was coming from but he was aware that we have a permit to accept it. He said one issue at the quarry is that it is holding a lot of water and we are trying to level it off to put compost there and to be able to get Cumberland County’s equipment in there to turn the material. He said we can’t do that now. He said we will do what we can and the Chief may have to
monitor the truck traffic. He said we have asked them to come in off of Lisburn instead of coming down Bumble Bee Hollow. He said he hopes they are finished soon and noted that Mr. Hughes should notice no issues with mosquitos now, as it had become stagnant and infested. Regarding the missing signage mentioned by Mr. Hughes, he said we look into that. Chief Adams said he received an email about a 25 mph sign that was not replaced and his traffic safety officer will look into it. Regarding speed, he said Bumble Bee Hollow Road is one of the Police Department’s targeted speeding areas. Over the summer he said they did speed enforcement and issued zero citations or warnings, but he will make sure they keep it on the targeted enforcement area. Commissioner Cochran asked staff to put discussion of the quarry back on the next Public Improvements Committee meeting for discussion. Mr. Hughes commented that the quarry was purchased in the late 1990s and he gave it to the Township for a leaf mulch facility. He said the Township turned the leaf mulch facility into their personal dumping ground.

President Martin said the Public Safety Committee will look at signage and speed enforcement. The Public Improvements Committee will discuss the quarry and proper use of it. He said Mr. Fazekas will talk to the contractor to make sure they enter and exit the quarry via Lisburn Road, and conversation will continue to try to work something out. He said the Board is not ignoring Mr. Hughes’ concern but can’t solve it tonight. Mr. Hughes said the Board can stop the trucks from entering the facility immediately because they are risking his health and the quality of the water and ground in the whole area. He commented that he will have someone testing it immediately. Vice President Rigney questioned how he learned about the soil contamination, and Mr. Hughes said there is a mobile tank yard directly behind it. He said he owns property right near it and was not allowed to dig there for 20 years. He said now they are building on it and they are digging the soil out and dumping it in the quarry. He said his engineer said he couldn’t dig, and he has the same problem with other properties he owns in Mechanicburg. He also asked why we can’t turn the beeping down on the trucks, noting that the Federal Highway Administration says we can. He commented that he has offered to buy the mulch from the Township so he doesn’t have to deal with the noise from it, but has gotten no response. President Martin asked the Public Improvements Committee to consider Mr. Hughes’ offer.

Bill Watroba, of 2408 Bumble Bee Hollow Road, noted that the article in a recent Township newsletter that explains how the Township did a review of stormwater calculations for Township properties has renewed his faith that the squeaky wheel makes things happen. As for Mr. Hughes’ comments, he said the trucks have been incredible all summer long, every day, even on Sunday. He said 10 trucks really means 20 trucks because they enter and exit the quarry to unload. When he and his wife bought the property, he said they asked about the quarry and were told it was for leaves, but it has morphed over the years and it is scary. He noted the noise from the trucks slamming their tailgates to knock the extra mud off. He questioned whether the trucks pass the weight limits. He said the wildlife doesn’t like the noise and commotion. He said he knows Mr. Hughes from Township meetings and said the Board should listen to him. He said the millions of taxes Mr. Hughes pays goes to Commissioner paychecks. He urged the Board to into their hearts and put themselves in other peoples’ shoes. He said the quarry cannot morph any more than it already has, and urged the Board to step back and find a Plan B within the Township, commenting that this just can’t keep going. He said he followed two trucks from Upper Allen to their destination to a gigantic
mountain of dirt. He said he called the Township about it and commended staff for their explanations of what is going on. He said the truck nonsense is extreme.

President Martin said there is a Plan B but it is still being looked at. Mr. Fazekas said we have been trying to find an alternate site. He said we looked at the Fisher Road PPL site and approached them, but it didn’t go through and we are still pursuing other avenues.

Chief Adams commented that he has already sent an email to his Traffic Safety Officer to do another speed check on Bumble Bee Hollow, and said he will report the findings back to Mr. Hughes.

**CONSENT AGENDA**

Vice President Rigney made a **MOTION** to approve the Consent Agenda as follows, **SECONDED** by Commissioner Cochran:

Consideration/Approval of Staff Reports. Regarding the Police Department report, Commissioner Castranio questioned why an evidence inspection of our Police Department was conducted by Lower Allen Township. Chief Adams responded that under the accreditation process, one standard is that the Police Department does unannounced inspections, and they can do it in-house. Unfortunately, he said there have been numerous cases where people in charge of evidence rooms convert them to personal use. He said we are taking it a step above and beyond by having an outside agency come in. He said our evidence person knows nothing about it. He said we set this unannounced inspection up and focused on money, drugs, and guns. He said it doesn’t 100% guarantee that we won’t have any issues in our evidence room, but it shows that we are going above and beyond the Best Management Practices (BMPs).

Consideration/Approval of Bills in the Amount of $1,306,172.62

The motion carried unanimously.

**PUBLIC SAFETY COMMITTEE**

Chief Adams displayed a large thank you card received from St. Peter Lutheran Church’s Sunday School class for the record.

President Martin noted that Fire Chief Shumberger is ill but Deputy Chief Ryan Kunkel was in attendance in his stead. Mr. Kunkel had nothing to add to the Fire Department report. President Martin mentioned that fire house renovation is wrapping up quickly. He said the water meter will be installed soon and there are still a couple of punch list items, but it is nearly there.

Vice President Rigney said his wife asked him to sing the praises of Brett Snyder, who recently spoke to the Upper Allen Woman’s Club on domestic violence and did a superb job. He was prepared, and gave statistics and real life incidents. Chief Adams said he appreciates the recognition and hopes Vice President Rigney would expect nothing less from the officers.
President Martin noted that in the disbursements of bills tonight there was payment of a bill to R. S. Mowery, the contractor on the Fire Department renovations. He said he got a call today from Mr. Mowery indicating that they owe us about $4,000 for some of the utility bills.

President Martin also noted that the Director of Public Safety at Cumberland County requested an updated Letter of Authorization listing names of municipal officials who are authorized to make changes, additions or corrections to the pre-planned municipal response system. He said Mr. Fazekas, Chief Shumberger, Chief Adams, and Paul Christophel, Executive Director of EMS will be listed.

PLANNING & ZONING COMMITTEE

CONSIDERATION/APPROVAL OF FINAL LAND DEVELOPMENT PLAN FOR GETTYSBURG PIKE, LOT 4, UAT FILE #19-09-30

The final plan proposes development of the 3.78-acre tract of land located at the northern quadrant of Gettysburg Pike and South Market Street. The proposed development consists of two office buildings—a single story 10,522-square-foot structure on the eastern portion of the property and a two-story 24,888-square-foot building on the western portion. The development will be served by public water and sewer. The proposed use of the property is consistent with the Township’s Zoning Ordinance and Comprehensive Plan.

As part of the preliminary plan approval, the modifications, waivers and deferrals listed below were granted on March 6, 2019. On July 17, 2019, the applicant came before the Board of Commissioners to ask for additional waivers and concessions regarding the traffic outlook at the intersection of S. Market Street and Gettysburg Pike. The applicant is working with PennDOT to secure a Highway Occupancy Permit (HOP) for the necessary improvements. No further action is necessary for final plan approval.

Modifications

1. Modify the requirements of Section 220-26.B to allow the applicant to have the required number of buffer plantings along S. Market Street to be relocated.

2. Modify the requirements of Section 220-26.D to allow the applicant to have the required number of street trees but in alternate locations.

3. Modify the requirements of Section 220-9.C(ff) to allow the applicant to submit façade, elevations and floor plans with the final plan submission.

4. Modify the requirements of Section 216-16.C(3) to allow the applicant to have some horizontal curb radii be less than five (5) feet.

Waivers

1. Waive the requirements of Section 220-11.F(2)(b) to require traffic impact reports to include proposed nearby uses. Inclusion of the Loudoun Centre’s project places a disproportionate
burden on the Developer of Lot 4, Gettysburg Pike. The developer for Loudoun Centre has also contributed for their fair share of improvements to the intersection.

2. Waive the requirements of Section 220-11.F(2)(c)[2] to consider a ten-year growth period beyond the construction of the proposed land development plan. Further improvements shall be required at the intersection of S. Market Street and Gettysburg Pike as part of a phased approach as nearby lands are developed.

Additionally, Mr. John Eberly (land owner) has agreed to dedicate a portion of land (on parcels #42-28-2419-137 and 42-28-2419-057) for the future northbound approach to the intersection of S. Market Street and Gettysburg Pike, assuming PennDOT approves the HOP. The land owner will draw up a letter of conveyance upon PennDOT’s approval.

Deferrals

1. Defer the requirements of Section 220-16.A(2) to install curbs along S. Market Street.
2. Defer the requirements of Section 220-16.A(2) to install curbs along Gettysburg Pike.
3. Defer the requirements of Section 220-16.B(3) to install sidewalks along S. Market Street.
4. Defer the requirements of Section 220-16.B(3) to install sidewalks along Gettysburg Pike.

The applicant shall, upon plan approval and prior to plan recording, contribute to the Township’s Recreation Land Acquisition and Improvement Fund, in accordance with Section 220-28.D(5) of the Codified Ordinances of Upper Allen Township. The contribution amount shall be $23,600.00.

The Community Development, Sewer, Police and Fire Departments, as well as the Township Engineer, Traffic Engineer, Public Works/MS4 Coordinator, and Cumberland County Planning Commission were notified on October 3 and November 12, 2019 that this plan was available for review, and to date comments were received from all but the Fire Department.

There has been recent discussion between staff and Township officials regarding the deferral of curbs and sidewalks for new developments. On March 6, 2019, the applicant received deferrals for curb and sidewalk construction along Gettysburg Pike and S. Market Street. Since then, surrounding lots around the intersection have been sold, and a few land development plans have also come before the Township for approval. At this time, staff believes it would be appropriate to require the applicant to install the sidewalk along S. Market Street. Lots immediately north of this property are now under contract; any future development would require the installation of sidewalk improvements. The connection of sidewalk would enable a safe access for pedestrians between the intersection of Gettysburg Pike/S. Market Street to the traffic signal at the MASD’s middle/elementary school campus. We understand PennDOT prefers to not have curbs along state roadways for drainage purposes; it is the Township’s decision as to whether curbs should be installed at this time.

The curb and sidewalk improvements along Gettysburg Pike should still be deferred at this time based on discussions at the July 17, 2019 Commissioners’ meeting. Improvements will be completed over multiple phases as nearby development occurs. The applicant should be required to
construct the curb and sidewalk along Gettysburg Pike as other improvements take place along this section of Gettysburg Pike.

During the Township’s Planning Commission meeting, the applicant raised concerns about installing the sidewalks along S. Market Street, particularly the northern part of the property. It is unknown when the abutting land owner will develop their property, and the site design for the sidewalk is unknown. The Planning Commission agreed that the sidewalk could be constructed along the property up to the right-out only access point. The portion of sidewalk between this access point and the northern property line would be deferred until the abutting property owner would install sidewalk improvements on their land. The Planning Commission unanimously voted to recommend approval of the applicant’s plan, with conditions, at its October 28, 2019 meeting. The applicant has since revised its land development plan to address several outstanding conditions. The remaining conditions should be considered when acting on the plan.

Doug Gosik, P.E., of Williams Site Civil, LLC represented the applicant. He said they had issues reconciling the improvements at the intersection of Gettysburg Pike and Market Street and agreed that a phased approach made sense. As part of their development they have dedicated right-of-way to accommodate a future southbound right turn lane, so they will make a formal submission to PennDOT this week for a HOP permit. He said the right turn into the site hasn’t changed. With respect to the current plan the main point of access shows two exiting lanes and one entrance lane. He said PennDOT asked them to eliminate one of the existing lanes at the primary driveway, which reinforces the second right turn lane going into Mechanicsburg. Commissioner Cochran said a constant concern of his is that the right turn only has to be constructed to make it almost impossible for people to make a left. He said the angle they have on the plan right now does nothing to keep people from making a left. Mr. Gosik said whatever they can do that PennDOT will allow, they will do. Commissioner Cochran said we can’t keep going around and putting right turn lanes everywhere and having to monitor these types of intersections. Commissioner Castranio asked if they can make the exit out of the site like an acceleration lane exit. Mr. Gosik said he will convey the concern and they will do what they can to address the concern. He said aside from the modification of the entrance, when the preliminary plan was before the Board there was granting of a deferral of sidewalk along Gettysburg Pike and S. Market Street. He said the Planning Commission took a second look at Market and recommended that the sidewalk not be deferred. He said there will be a crosswalk across the entrance on Market but the sidewalk will not go the whole way to the property line until they know what will happen with the property above them. Also, regarding parking, because there is a residential use adjacent to them they have to provide a buffer, so it will affect parking, but they understand that the residential use will eventually go away and so they have designed the plan to show parallel parking in that area. When the residential use goes away, he said they will then make the parking modifications or at least will have the opportunity to do it.

Mr. Gosik thanked the Board for their assistance in getting through the PennDOT issues.

Commissioner Cochran said the parties previously talked about putting a community sign board up on that corner and questioned whether there will be enough room to do it. Mr. Gosik referred to the site plan to show the amount of right-of-way being dedicated. Commissioner Cochran asked if they would grant the Township a sign easement that will be maintained at our expense, and Mr. Gosik
said he can take it back to the owner for his input. He said he expects that it would be received favorably considering the support the Board is giving to the project.

Commissioner Anderson, who was attending by teleconference, asked whether the sign area should be a condition or whether the Township will work with them in good faith. Commissioner Cochran said he thinks we can work in good faith, noting that we have worked in good faith with them so we would expect the same in return. President Martin suggested a letter from staff as a follow up. Commissioner Castrania commented that PennDOT bought into the phasing system, but asked what happens if this project doesn’t happen and the other corner gets developed. Discussion ensued and Mrs. Boyer said this issue is already addressed as a condition of plan approval.

Commissioner Anderson made a MOTION to approve the Final Land Development Plan for Gettysburg Pike, Lot 4, UAT File #19-09-30, with the following conditions:

**GENERAL NOTES**

1. Sidewalks shall be installed along S. Market Street, in accordance with Section 220-16.B(3) of the Codified Ordinances of Upper Allen Township, with the exception of the portion of sidewalk between the right-out only access lane and the northern property line, which shall be deferred until the abutting property owner constructs sidewalk improvements. Sheet 3 shall be amended to reflect the area to be improved vs. the deferred area and Note #20 shall be amended.

2. The applicant has agreed to provide the Township with additional right-of-way along Gettysburg Pike. The applicant shall prepare a plat and legal description for the dedicated right-of-way area to be reviewed and approved by the Township.

**ADMINISTRATIVE**

3. Façade treatment, elevation, floor plans lighting & signing shall be submitted for review prior to submission of a building permit for the larger building, in accordance with Section 220-9.C(2)(ff) of the Codified Ordinance of Upper Allen Township.

4. The applicant must obtain a Highway Occupancy Permit (HOP) from PennDOT for access onto a state road, and supply the Township with a copy of the HOP prior to the plan being recorded, in accordance with Section 220-17.B(3)(a) of the Codified Ordinances of Upper Allen Township. The applicant shall provide a final plan identifying any changes to the road conditions as a result of the HOP being issued, and demonstrate all improvements comply with Section 220-11.F of the Codified Ordinances.

5. This project is situated in a Special Sewer District within the Township (Ordinance 741, Chapter 200, Article XI). The applicant shall pay the required costs, in addition to current tapping fees and other sanitary sewer-related fees. The fee amount shall be $965.00/EDU for the sewer tapping fee (collection portion), $1,840.00/EDU for the sewer tapping fee (capacity portion), plus $1,641.80/EDU for the Special Sewer District Reimbursement Component.
The applicant must also apply for and receive approval of a Sewer Connection Permit. The cost for this permit is $500.00.

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

7. The applicant 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.

8. The applicant must contribute to the Township Recreation Land Acquisition and Improvement Fund in the amount of $23,600.00. This contribution to the Fund shall be paid at the time of approval of the subdivision or land development plan in accordance with the requirements of Section 220-28.D(5) of the Codified Ordinances of Upper Allen Township.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. The applicant must satisfy all conditions on the approval of the plan and the plan must be recorded within 270 days from the date of approval by the Board of Commissioners or the plan will be considered disapproved. Since the final land development plan is approved with outstanding conditions, the signature block for the Upper Allen Township Board of Commissioners shall state the date in which the conditional approval is granted. A second line shall be added to state, “The conditions of approval were satisfied this ____ day of ________, 20__.”

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

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

Commissioner Cochran questioned whether the northern exit has to be 18’ wide as shown on the plan. He said the Board decreased the exit when approving the Starbucks plan to make it clear that only one lane of traffic should be coming at any given direction. Mr. Gosik suggested painting striping on the sides to show only 12’ in between to give the illusion that the lane is not as wide. The motion carried unanimously.

CONSIDERATION/APPROVAL OF FINAL STAGE 7 PLAN FOR WINDING HILLS PRD, UAT FILE #18-12-31

This item was withdrawn from the agenda as requested by the applicant.

PUBLIC IMPROVEMENTS COMMITTEE

There were no items for discussion.
SANITARY SEWER COMMITTEE

There were no items for discussion.

ADMINISTRATIVE COMMITTEE

BUDGET UPDATE

Mr. Fraser reviewed his October Fiscal Report as follows. At the end of October, the General Fund’s overall net position is $525,000. Overall revenue and expenditure positions year-to-date in 2019 are $9,197,128 (an increase of 6.3% when compared to 2018) and $8,672,207 (an increase of 5.69% when compared to 2018), respectively. Most of the difference in revenue is from an increase in real estate and earned income tax collections, the partial repayment to the General Fund from the Stormwater Authority, and building permit fees. Expenditure increases are mostly related to the initial loan to the Stormwater Authority and personnel expenses. The month of November is expected to see a slight positive bump in net position as expenses continue to slow and revenues stay level.

For the month of October, General Fund expenditures (all expenditures plus transfers) of $1,488,000 exceeded General Fund revenues (revenues minus fund balance) of $670,000 by $818,000. The decrease in net position follows prior years’ trends which reflect gradual decreases until November, when a slight bounce usually occurs. Much of the revenue in October is due to collections in income taxes and building permit fees, while most of the expenditures are related to pension fund contributions.

The Sewer Operating Fund finishing the month at $487,000, an increase from the previous month of $232,000. This increase was expected as the Township’s Sewer Fund rental collections have picked back up and expenses are mostly related to day to day operations. Based on trending data, a small increase can be expected in November as expenditures remain level and quarterly payments are collected.

At this point in 2019, the Township expenditures are being managed within budgetary constraints. With the exception of the Fire Operating Fund, no other funds are currently in risk of operating in a deficit; all funds’ revenues (revenue plus fund balance) exceed expenditures. In order to maintain a positive balance within the Fire Operating Fund, the Administration has reduced the scheduled transfer of $300,000 to the Fire Escrow Fund to $200,000. If projections change, additional funding may be transferred at the end of the year.

AUTHORIZATION TO ADVERTISE TENTATIVE BUDGET ORDINANCES FOR ADOPTION AT THE DECEMBER 18, 2019 MEETING

In accordance with the First Class Township Code, the Township must advertise the draft budget and place a copy out for public display at least 20 days prior to adoption, which will be December 18 in 2019. The first ordinance appropriates specific sums estimated to be required for the specific purposes of municipal government, and the second ordinance adopts the budget for the 2020
calendar year, authorizing expenditures and levying taxes. The draft 2020 General Fund budget does not include a tax increase, but the Permanent Improvement Fund budget includes a .1 mill increase, going from .5 to .6 mill. The proposed 2020 budget includes funding for one additional police officer, one additional sewer department laborer, and a part-time community development employee (inspector/building code official).

Commissioner Cochran pointed out historic details on the Township budget. He said real estate taxes remained at 1.5 mills since 2015. A permanent improvement tax, used exclusively for maintenance and upgrade of roads, started at .4 mills and has gone up to .6 mills in 5 years. He said we didn’t have the park improvements tax in 2015 but added 1/10 of mill in 2018. The fire protection tax is at 3/10 of a mill. In general, he said the Township finds itself in an excellent financial position and the Board sets up these funds to meet anticipated and small unanticipated projects for the future.

Commissioner Cochran made a MOTION to authorize the appropriate Township officials to advertise an Ordinance to Appropriately Specific Sums Estimated to be Required for the Specific Purposes of Municipal Government, and an Ordinance to Adopt the Budget for the 2020 Calendar Year, Authorizing Expenditures and Levying Taxes, and to place a copy of the draft 2020 budget out on public display. SECONDED by Commissioner Castranio. The motion carried unanimously.

CONSIDERATION/APPROVAL OF 2020 MUNICIPAL DOMESTIC ANIMAL PROTECTIVE SERVICES AGREEMENT

The Humane Society of Harrisburg Area has submitted their proposal for 2020 Municipal Domestic Animal Services for consideration. The 2020 agreement will work the same as the 2019 Agreement, and will again apply to dogs only. Vice President Rigney questioned why we strike out cats on the agreement, and Chief Adams said that under the First Class Township Code we aren’t responsible for them and would be inundated with calls about stray cats. He said the Humane Society will accept them from private citizens but they have to pay. If we take them, he said we then have to pay to drop them off there, and we don’t want to become a dumping ground. He said we don’t want to take them because of the time constraints. As far as dogs, he said the Police Department scans them and checks all the websites to see if they are listed as missing. He said to take on additional pets would be a burden, but if the Board wants the Police Department to take it on he said will be receptive to it, although it would be a significant time commitment. He said that is why they refer people to the Humane Society. Transportation and care of a cat until they could get it over there is also a consideration.

Commissioner Cochran made a MOTION to authorize appropriate Township personnel to enter into an agreement with the Humane Society of Harrisburg Area for 2020 Municipal Domestic Animal Protective Services at a cost of $250 for the yearly non-refundable contracting fee plus $0 for Deposited Funds, for a total cost of $250, to be paid no later than January 31, 2020. SECONDED by Commissioner Castranio. President Martin and Commissioners Anderson, Cochran and Castranio voted yes; Vice President Rigney voted no.
REVIEW OF VOLUNTEER BOARD TERMS
THAT WILL EXPIRE DECEMBER 31, 2019

President Martin reviewed the expiring terms and vacancies on Township Boards and Commissions and asked Board members to encourage people to apply for the positions. The Board normally makes appointments at the last meeting in December. Commissioner Cochran suggested that Board members interview the candidates, including incumbents, and consensus of the Board was to do the interviews on December 11 beginning at 6 p.m. Staff was directed to schedule the interviews.

AUTHORIZATION TO PURCHASE 2020 VEHICLE

Mr. Fraser noted that the 2019 budget includes $90,000 for the purchase of a Ford F550 for the Public Works Department as a replacement for the existing 2006 Ford F550, which is experiencing maintenance and rust issues. We have received pricing from Whitmoyer Ford and Stephenson Equipment, Inc. for a piggyback purchase through the State COSTARS program. Total price for the F550, an aluminum dump body, a new tailgate spreader and a 10’ plow would be $84,243. The 2006 F550 with its existing plow is expected to sell for between $10,000 and $15,000, bringing the net cost of the vehicle down in 2020. Authorization is requested at this time in order to ensure late January/early February 2020 delivery and due to current manufacturer discounts that will expire at the end of November. Payment would not be expected until delivery in 2020. Mr. Fraser noted that we are moving back to gasoline engines as recommended by the mechanic as he is seeing lots of maintenance issues with our older diesels.

Commissioner Cochran made a MOTION to authorize the purchase of a 2020 Ford F550, 10’ Western Pro Plus Plow, tailgate spreader, and aluminum body from Whitmoyer Ford and Stephenson Equipment, Inc. under the COSTARS agreement for a cost not to exceed $84,243.00 and to authorize the sale of the existing 2006 Ford F550 and plow in 2020 via legally approved divestment methods. SECONDED by Commissioner Castranio. The motion carried unanimously.

DISCUSSION OF TRICK OR TREAT POLICY

The current policy, adopted by the Board of Commissioners in 2014, is to hold Trick or Treat on the last Thursday of the month in October, rain or shine. In 2019 the last Thursday fell on October 31, and in 2020 it will fall on October 29. Mr. Fazekas noted that the volume of calls in 2019 asking if Trick or Treat was going to be rescheduled due to the forecast for rain was non-stop for 8 hours, and he said more people call about this one night than any other major issue. He said it is staff’s recommendation to identify an alternate date now so that it can be advertised well in advance on the Township’s website and in the newsletter.

Discussion ensued. Commissioner Cochran said Friday doesn’t work as an alternate because of football, and people have commitments for Saturday, so he is in favor of the following Thursday. Commissioner Anderson said she is not in favor of stretching it into November. As a former teacher, she said the day after Trick or Treat is not the best day for teaching. She said she likes Monday or Tuesday after the last Thursday as the alternate, not later into the week. Chief Adams commented that he likes the current policy of the last Thursday, rain or shine, and thinks it builds character if you
have to be out in bad weather. Commissioner Cochran noted that for the record, Mechanicsburg Borough had theirs on Thursday and no one died or got injured. Vice President Rigney said he is ok with the Saturday night after. Commissioner Anderson suggested earlier in the day on the following Saturday so people with obligations later can still do them, and the rest of the Board was agreeable to that.

Commissioner Cochran made a MOTION to hold Trick or Treat the last Thursday of October from 6 to 8 p.m., unless it has to be rescheduled due to weather or other conditions, in which case the makeup period would be the following Saturday from 4 to 6 p.m., rain or shine. SECONDED by Vice President Rigney. The motion carried unanimously.

CONSIDERATION OF RESOLUTION ADOPTING WRITTEN PROCEDURES ON HOW PROFESSIONAL SERVICES ARE CHOSEN FOR PENSION PLANS IN ORDER TO COMPLY WITH ACT 44 OF 2009 AND THE AUDITOR GENERAL’S RECOMMENDATION

Commissioner Cochran made a MOTION to adopt Resolution No. 1011, a Resolution of the Board of Commissioners of Upper Allen Township, Cumberland County, Pennsylvania, adopting Written Procedures in how Professional Services are Chosen for its Pension Plans in order to Comply with Act 44 of 2009 and the Auditor General’s Recommendation. SECONDED by Commissioner Castranio. The motion carried unanimously.

DISCUSSION OF RESOLUTION CONSENTING TO CONTINUED RESETTLEMENT OF REFUGEES IN THE TOWNSHIP

Dan Thompson, of 1358 Horick Drive in Boiling Springs, thanked the Board for what they do and said it is truly public service. He noted that while living in Cumberland Pointe about 10 years ago he met the two gentlemen with him tonight. He said he lived there for three years and fell in love with the immigrant refugee families, and started an after-school program there. He noted that he coaches soccer at Messiah College and is a last minute substitution for this effort tonight. He said President Trump issued an Executive Order in September that will start December 25th, and basically the Executive Order says that States and local Townships must opt into the possibility of refugees being resettled in their community. He said Governor Wolf has already consented to resettle them in Pennsylvania so it falls on the local municipalities to sign off that they will consent. He said it doesn’t guarantee that they will be resettled, but said this community has a long history of an open door.

Omar Mohamed, of 1255 Rocky Road, said the Executive Order is not clear and is confusing. He said refugees are human beings like everyone else. He said he didn’t choose to leave his country and did not want to be a refugee or be called one. He said no one wants to lose their family. He said he is from a middle class family but at age 4 he lost everything and had to flee. When refugees must flee, he said they have to flee right then. He said his father was in one place, his mother was in another place, and his siblings were at a different place. He noted that every refugee that comes to us goes through a vetting process and they usually come from the second country they originally went to. He said it takes 7-10 years to be approved, and once approved, he couldn’t choose what state he
would go to. He said the government chooses where the refugees will be resettled. He said he didn’t see his mother for 14 years and if Upper Allen Township doesn’t approve this resolution, he can’t petition to have his mother come here to be with him. He noted that he is a US citizen.

Commissioner Cochran said his understanding of this act is that it is not really legal, much like DACA (Deferred Action for Childhood Arrivals) was not legal. He said he doesn’t think anything we do or don’t do, according to our Solicitor, affects ORR (the Federal Office of Refugee Resettlement). He said they are still charged with resettling and regardless of how we vote, they can resettle refugees however they want to.

Solicitor Feinour said his understanding is that if the municipality does not consent to accept refugees under the program, it makes it more difficult. He said it doesn’t absolutely prevent them. He said ultimately the ORR controls who comes and who goes where, but without adopting the resolution there is arguably this first barrier, depending on the validity of the Executive Order. Commissioner Cochran said his concern is that the real opposition to this should be a lawsuit against the Federal Government. He said this appears to him to be an overreach by the President, just as he thinks Obama overreached on several issues, one of which is at the Supreme Court. He said he is not sure what we are doing with this vote to be honest and he doesn’t think it will have any impact. He said he thinks ORR will still send people where they want to send them and if the municipality says no, and you take that municipality to court, then the municipality loses because ORR has the authority to do that. He said he doesn’t think an Executive Order can change a law.

Alishine Osman, of 600 Cumberland Pointe Circle, said he has been a resident for several years. He said to clarify the resettlement program, if you have 18,000 refugees, if all the states say no except one, those 18,000 refugees will go to that one state. If 50 states accept them and opt in, and Pennsylvania says they will take 1,000, if Upper Allen opts in they can take 100 a year but if Upper Allen says no, then the 1,000 refugees that PA takes in would only go to other Townships. Commissioner Cochran said he doesn’t think this Executive Order has the strength of law. He said the law says ORR says where people are going, and for a municipality to object is against Federal law. He said he understands that it is a concern and he is 100% on the side of legal refugees, but he doesn’t know if this is anything more than a political ploy and he doesn’t want to be involved with it.

President Martin said Commissioner Cochran is probably right that the validity of the Executive Order hasn’t been tested, so we don’t know what the responsible party can or can’t do. But on the other side, he said he would like to do everything personally to not hinder legal refugees that are fleeing and want to resettle here. He said we won’t resolve the legality of the Executive Order but whether or not it makes a difference is unclear. He questioned what would be the downside of adopting it and at least signaling that within the bounds of procedure we do not want to hinder.

Solicitor Feinour agreed and said he doesn’t think the Executive Order is constitutional, and hasn’t seen any progress on the legal challenge if it is being challenged somewhere. Commissioner Cochran said he is amazed that there are so many well-funded and well-recognized Christian and Catholic and Muslim organizations bringing in refugees but they don’t have the strength to pose a challenge to the Federal Government. He noted that the Board of Commissioners didn’t consider decriminalizing pot because there is a Federal law that controls it. Vice President Rigney said this
one is under judicial review. And if it is, Commissioner Cochran said then the Supreme Court will determine whether it is valid or not. He said with something of this importance there should be an injunction right away. He said he thinks this is a political issue rather than a legal issue and said the law is clear that they are still able to bring in refugees and put them where they want, and he understands that but doesn’t want to be used as a political pawn. Vice President Rigney said the President sets the tone with relation to refugees but he doesn’t see the problem with us each showing support, and it might prevent these people from having to bring a lawsuit. President Martin said since President Trump made a move, legal or illegal, the people will assume it is law and will follow it because he said it. He said he wants to make sure that people who want come and are legally allowed to, have the opportunity if they want to because that’s what this country was based on. Vice President Rigney said a Township has no sovereignty, so how can we say something different. He said refugee numbers are down right now. Commissioner Cochran said he is right, but they have ebbed and flowed before and are the lowest they’ve been since 1982. President Martin proposed that if Board members want to pass the resolution, we should try it. Vice President Rigney said he thinks it sends a bad message if we don’t. Commissioner Cochran said he understands that it could happen, and unfortunately we have so many uninformed people that need to be led around. He said he supports legal refugees.

Mr. Thompson said he agrees that it is ridiculous but said he cares that his friend is a US citizen and is getting his MBA from Shippensburg and started a non-profit, and his mother has been separated for 4 years and Trump’s travel ban stuff has been stopping it. Commissioner Cochran said we can’t change that. But Mr. Thompson said we should do anything we can do to show that we won’t create any more barriers. President Martin suggested that if there is enough positive interest it might have an impact.

Commissioner Anderson said she has a concern either way. She said she doesn’t want to put us in an undesirable situation and is not at this point making a decision either way. She said she is in favor of helping. President Martin agreed that we don’t want to do something that jeopardizes the Township legally. Commissioner Anderson wondered what West Shore Council of Governments (COG) has to say and President Martin said he doesn’t think it has been discussed there but it might be something they want to consider.

Vice President Rigney said he is in favor of a resolution supporting it but we don’t have one to vote on tonight. He suggested that the Solicitor can prepare it for action at the December 4 meeting. He made a MOTION to instruct the Solicitor to draft a resolution in support of Upper Allen Township accepting legal refugees for consideration at the December 4 meeting, SECONDED by Commissioner Cochran. The motion carried unanimously.

**PARK AND RECREATION COMMITTEE**

Mr. Fraser announced award of a grant in the amount of $200,000 from the Community Partnerships Program administered by the Department of Conservation and Natural Resources (DCNR). The Township will match the grant and the funds will be used to build an inclusive playground at Friendship Park. Board members commended Mr. Fraser and staff for their efforts in securing this grant.
MISCELLANEOUS

Discussion ensued on changing the date for the second meeting in January 2020 from the 15th to the 22nd due to the requirement to hold the first meeting and Reorganization on the 6th. Consensus was to change the date from the 15th to the 22nd. This change would require moving the Park & Rec Board meeting from the 22nd to the 29th. Mr. Fraser said the extra week will help that Board with reviewing the field applications.

SOLICITOR UPDATE

There was no report.

TAX COLLECTION COMMITTEE UPDATE

There was no report.

CAPITAL REGION COG UPDATE

There was no report. President Martin distributed a legislative update from COG.

MUNICIPAL ADVISORY BOARD (MAB) UPDATE

President Martin noted that there was a meeting with Cumberland County Office of Public Safety on the radio system. He said they are rebuilding 3 of the 7 towers, and then we’ll probably go out sometime late in 2020 to look for the mobile devices. At this point he said County Commissioners don’t have any money allocated nor have they allotted any money to help municipalities. He said he is glad we were proactive and started a fund already. He said there is headway being made in correcting the problem and it could possibly work to our advantage because by the time the County goes out we might have competitive bidding.

PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS (PSATC) UPDATE

There was no report.

MISCELLANEOUS

Vice President Rigney asked for clarification on how the employee service awards program works and Mr. Fazekas explained it. Regarding Zoning Hearing Board expenses, Vice President Rigney noted that we spent $1,260 on legal expenses last month. Mrs. Boyer said that is about normal, noting that they are usually between $1,000 and $3,000 per month. Regarding the expense for the lights at Fisher Park, Vice President Rigney noted that we spent $284 for the month. When they were put up he said the Board was grateful because the Baseball Association furnished the labor and
equipment but they said it would be a small charge for electricity. President Martin and Commissioner Cochran both said they thought it would cost more.

EXECUTIVE SESSION

President Martin recessed the regular meeting at 8:50 p.m. for an Executive Session on real estate and two potential litigation issues. Commissioner Anderson noted that she will stay on the phone for the Executive Session if possible, but if not, she asked Mr. Fazekas to call her and update her on the discussions.

CONTINUATION AND ADJOURNMENT

President Martin continued and adjourned the regular meeting at 10:10 p.m. with no further action taken.