President Martin called the Board of Commissioners regular meeting to order at 6:30 p.m. He commented on the death of Marlin Yohn, previous Township tax collector, who held the position for about 40 years. He said Marlin was a pillar of our community and asked those in attendance to remember him and his family. A moment of silence was held, and The Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Fraser. Commissioner Anderson participated by phone.

**CONSIDERATION/APPROVAL OF MEETING MINUTES**

President Martin asked for any comments or corrections to the Minutes of the October 20, 2021 Board of Commissioners meeting. There were none, and Commissioner Cochran made a MOTION to approve the Minutes of the October 20, 2021 Board of Commissioners meeting, SECONDED by Commissioner Walter. The motion carried unanimously.

**PRESIDENT’S ANNOUNCEMENTS**

President Martin said there will be an Executive Session to discuss labor issue and a potential vendor issue.

**PRESIDENT’S RECOGNITION OF VISITORS**

There were no visitors signed in.

**CONSENT AGENDA**

Commissioner Cochran made a MOTION to approve the Consent Agenda as follows, SECONDED by Commissioner Walter:

- Consideration/Approval of Staff Reports.
Consideration/Approval of Bills in the Amount of $2,302,539.12. Vice President Castranio noted that of the $2.3+ million on the bill list, $1.5 million of that is for the ladder truck for the Fire Department.

Consideration/Approval of Request for Reduction in Sanitary Sewer Installation Financial Security for Final Subdivision and Land Development Plan for Winding Hills PRD, Stage 5 (C), Lots 361-395, File No. 18-05-01C

Consideration/Approval of Request for Release of Sanitary Sewer Maintenance Financial Security for Winding Hills PRD, Stage 3 (B) – Orchard Boulevard Extension, File No. 08-12-31

Consideration/Approval of Request for Reduction in Financial Security for Oakwood Hills, Phase 1A, UAT File #17-09-01B

Consideration/Approval of Request for Reduction in Financial Security for Oakwood Hills Phase 1B, UAT File #19-04-01

The motion carried unanimously.

PUBLIC SAFETY COMMITTEE

POLICE DEPARTMENT UPDATE

Chief Parsons reported that they just completed the promotion exam and identified three candidates for sergeant and lieutenant. He said the report is in Board members’ mail bins. He noted that interviews will be held in December in front of the Board.

FIRE DEPARTMENT UPDATE

Chief Shumberger said the Fire Department still remains very busy. On December 11 Santa will make rounds through the neighborhoods, and he said he will give the information to Mrs. Palmer for the newsletter. This Sunday the Fire Department will be at Giant and Weis collecting food for the Wildcat Foundation. President Martin mentioned that the SAFER (Staffing for Adequate Fire and Emergency Response) grant is organizing. He said the four years doesn’t start until November 29 and they will want a primary and secondary contact for the grant. Chief Shumberger said he already got an email that said it will probably be after the first of the year before it gets rolling. President Martin said he was remiss to mention that Representative Delozier issued a citation to the Police Department recognizing National First Responders Day on October 28. Chief Shumberger said the Fire Department also received a citation from them. President Martin said the Board continues to be amazed and pleased with the public service both Fire and Police give to this Township.
PLANNING & ZONING COMMITTEE

PRESENTATION OF FUTURE PHASE SKETCH PLAN FROM CHARTER HOMES FOR TATTERSALL DEVELOPMENT

Anthony Faranda-Diedrich, of Charter Homes Neighborhoods, said he was here two weeks ago and discussed the project and the efforts around working to find users for the future phase land site on a non-residential basis. He said they continue to try to do that and have not made the progress they hoped. Access to the property continues to be a challenge from Route 114 and Market Plaza Way. He said they are talking and will continue to talk with a number of the business owners to get access to the property. He said they believe the key to opening up the rest of the project for non-residential use will lie within their ability to make that connection. Their initial sketch plan was displayed, and Mr. Faranda-Diedrich said they continue to think the non-residential uses shown are viable and they will continue to make investment in those uses, but would like additional time to find additional uses for the balance of the future phase. He said the end of year deadline is coming up for Charter and Upper Allen Township to agree on how that future phase sketch will ultimately look. He requested an extension of time to try to find access and further non-residential development in that area as opposed to putting something on a plan today that may not be feasible in the future. He said the market has not changed in any meaningful way since Phase 1 was approved and they still need time to explore the other options and work to find additional uses for this land. President Martin said it is his understanding that not all the residential uses shown on that plan are actually built. Mrs. Boyer displayed the Phase 1 approved site plan showing 71 single-family homes. Mr. Faranda-Diedrich said there are two areas on the current plan showing non-residential uses that take the place of 11 single-family homes. The future phase sketch shows 11 single family homes being replaced and a couple additional ones to round off the geometry to plan the future phase. In connection with requesting the extension, he said the homes that are being shown on the future sketch plan as part of the non-residential area would be held off and they wouldn’t pursue construction of those homes during the extension period. He said they have built a park in the open space area with a walking trail and he explained some other changes they have proposed from the original approved plan. President Martin said there might be some value in waiting to see what is across the street. He said it would make him feel more sympathetic to their request, and Mr. Faranda-Diedrich said that would be acceptable. He asked for a 1-year extension but Commissioner Cochran suggested that he come back in 6 months rather than waiting a whole year to talk to the Board again. Mr. Faranda-Diedrich said he will put the request in writing as well as an amendment to the settlement agreement to reflect the discussion of this evening. Charter will bring the amendment to the settlement agreement to the 1st December meeting.

CONSIDERATION/ACTION TO ADOPT ZONING ORDINANCE AMENDMENT RELATED TO WIRELESS COMMUNICATION FACILITIES

President Martin noted that the Board had a public hearing prior to this meeting regarding wireless communication facilities. Commissioner Anderson made a MOTION to approve Ordinance #813 to repeal and replace Chapter 245, Article XIV, Section 245-14.16, “Communications facilities, wireless” and to amend Chapter 245, Article II, Section 245-2.1, “Land Use Definitions,” subsection B to amend and add certain definitions. SECONDED by Vice President Castranio.
Phil Walsh, 443 McCormick Road, asked President Martin to briefly summarize what this refers to. President Martin responded that there are large communication towers around. He said there is one located on Route 15S just beyond the Weis property. He said there are regulations governing those now. With the changes in wireless technology, he said there are more and more small towers being placed in residential areas, like along Front Street in Harrisburg for example. He said the Board discussed it and the Board wants to assure that where they go in they will not be visual obstacles to homes or disrupt the views in our areas. He said Upper Allen is a member of Capital Region Council of Governments (CAPCOG), and there is a consultant that does lots of work for our municipalities in terms of cable and telecommunications, and he helped us rewrite the ordinance. In essence, he said it says that these antenna facilities cannot be more than 10% higher than adjacent structures, exposed wiring is prohibited, there are regulations regarding adjacency to utility poles, they can’t be higher than 50 feet, they can’t be in the front façade area of any commercial or residential building in the front setback, or within 10 feet of a driveway, cannot be in a public right-of-way opposite a driveway, etc. He said the important thing is that any proposed small wireless communication facilities design has to come to our Zoning Officer for approval to make sure it complies with our ordinance. He said we are trying to be proactive and understand what is happening before it happens. Any deviation that cannot be resolved with the Zoning Office will then go to the Zoning Hearing Board.

Commissioner Cochran commented that the state passed PA Act 50 on wireless communication facilities also and we have to follow those guidelines and bring our regulations into compliance with that. Mr. Walsh asked if there will be public involvement with regard to placement of these, and President Martin said probably not, as long as they comply with those standards. Mrs. Boyer said the regulations under PA Act 50 dictate where things can or can’t go, and that is the public involvement. Through zoning permits, she said it is not like a hearing and we don’t notify the public any time those permits come in. Unfortunately, she said there is no easy way to know they might be constructing one near your home. Commissioner Cochran said this was a push/pull issue. He said the big utilities told the state what they wanted, and an Act came forward and our lobbying group for municipalities said no to it, so it was fought back and forth for a period of time and Act 50 is a compromise where we have less control than we had before but more control than the utilities wanted us to have. In fairness to them, he said the utilities had to deal with all the different municipalities, and all the different rules make it almost impossible. So, he said they got some of what they wanted but not all.

Commissioner Anderson said the Pennsylvania State Association of Township Commissioners (PSATC) spent quite a bit of time negotiating it and lobbying to make sure the best solution could be arrived at. She said we didn’t win everything but it is much better than when we started. Commissioner Cochran noted that the original Act was written by people at Verizon.

Karen Overly Smith, of 855 Oak Oval, said it is more than just the aesthetic appearance; she said it is the electromagnetic radiation and from previous lectures she had heard on the subject, only 20% of the population will get sick with headaches and stomach aches from the electromagnetic radiation within a half mile of their homes, and homeowners would have to make disclosures when they go to sell their houses, similar to radon disclosures. She said that’s why people in Harrisburg don’t want them in front of their houses.
The motion carried unanimously.

NEXT PLANNING COMMISSION MEETING

Mrs. Boyer said we do have a Planning Commission meeting on November 29 at 7 p.m.

PUBLIC IMPROVEMENTS COMMITTEE

CONSIDERATION/ADOPTION OF SUEZ CONTRIBUTION AGREEMENT

In July, Township staff and officials met with representatives from Linlo Properties, AP Williams, and Mechanicsburg Area School District (MASD) regarding their on-site issues with achieving amount of water pressure necessary to meet building code requirements. To meet future needs, Linlo Properties and the school district must install their own water tanks. While there is adequate water flow and pressure at the mains, elevation issues on the sites make it difficult to achieve the minimum pressures for fire flow services.

Over the past several months, representatives from Linlo Properties, AP Williams, MASD, and Mrs. Boyer have been meeting with Suez representatives to discuss a more comprehensive solution. The outcome of the group discussions resulted in Suez’s willingness to construct a new public water supply system. The new water tower and associated booster station would be located on the school district’s property at 130 Gettysburg Pike. The water tank would be a 300,000-gallon pedestal tower with an elevated storage tank set approximately 763 feet in elevation. The cost of the project is estimated at $3.5 million.

The construction of the new tank will result in a new pressure district, shown as the Upper Allen Pressure District in the Contribution Agreement. This pressure district will serve portions of South York Street, Gettysburg Pike, English Drive, South Market Street, and West Winding Hill Road. For those with existing public water, residents may notice a slight increase in water pressure. Non-connected properties along Gray Drive and South Market Street will have the option to connect to the public water system. It is important to note that connection to the public water system is not required for existing residents.

Suez is prepared to move forward with this project immediately. Some preliminary design work has already been completed. They expect to receive PA DEP approval by the end of the year so that the project can go out to bid in January 2022. The project is expected to be completed by December 2022, assuming no delays.

Suez has provided a Contribution Agreement for consideration. Both AP Williams and MASD have verbally agreed to contribute to the project. Linlo Properties has opted out. A contribution amount has been informally discussed among various Township staff and officials.

Mrs. Boyer said the School District plans to vote on December 14 regarding the necessary easements and land for the tank and associated infrastructure, booster station, and also giving a cash contribution in addition to the land. She said they are ordering extra material ahead of time due to supply chain issues, so they don’t expect too many delays at this point. She said this agreement is
for the Township to consider contributing towards the cost that would allow for additional pressures and water service to the School District and nearby properties. She said the tower would service only properties within a designated boundary area. President Martin noted that the Township wants to reserve the right to have our logo or wording on it. He asked if they will respect that if it is in our motion, and Mrs. Boyer said she mentioned it to Suez and they said it wasn’t in the agreement. She said she requested it in writing but didn’t hear anything back yet. She suggested that the Board include it in the motion but don’t sign the Agreement until that wording is added.

For the benefit of the public in attendance, President Martin noted that this tower will be on a tract of land across from the Middle School and will help serve the area of Gettysburg Pike and Market Street as well as the school. He said Upper Allen Elementary is only operating by having a fire watch while the kids are there because there isn’t sufficient water pressure, as well as Shepherdstown, which currently isn’t on public water. Mrs. Boyer commented that the Shepherdstown area was taken off because of a recent change with some of the other developers affected. She said the water line connection comes to where Terraces of Shepherdstown is building now, right outside the historic district, so to connect from there to Market Street is not much distance and at some point in the near future we probably will see that connection to close that loop.

Commissioner Walter noted that we asked for time to pay the $500,000 but questioned whether they will want it all in the first year. Mrs. Boyer said because it is a contribution from a public entity, they cannot space out the payments, so the majority of the payment will be in 2022. President Martin commented that in earlier discussions we were willing to help toward this public improvement, but the Board believes it helps the school district more than any entity, so our contribution will not exceed theirs. President Martin said they have had internal dialogue and at this point, for their December 14 meeting, the School District is recommending a contribution of $450,000 in addition to the land.

Vice President Castranio made a MOTION to enter into a Contribution Agreement with Suez to contribute towards certain facilities within a New Upper Allen Township Pressure Zone within the public water supply system, provided the Township retains exclusive rights to put a logo and/or name of the Township on the water tank. The contribution amount shall match that of the Mechanicsburg Area School District’s cash contribution amount up to $500,000. The cash contribution amount shall be paid in full in 2022. The appropriate Township official is hereby authorized to sign the final executed Agreement. SECONDED by Commissioner Cochran. The motion carried unanimously.

**CONSIDERATION OF REQUEST TO ACCESS PRIVATE PROPERTY THROUGH FRIENDSHIP PARK**

Bob Todd, of 336 Southview Drive, said he wants to put a swimming pool in his backyard and he has two options—either accessing his back through about 25’ to 28’ of ground in Friendship Park, or ripping out trees in his front yard that will significantly affect his landscaping. He said he met with a landscaper who will regrade, reseed, restraw and irrigate the area to bring it back to its original condition. President Martin asked if he would be willing to give us a year from time of completion of the work to make sure the restored soil doesn’t sink or otherwise need further restoration, and Mr. Todd said he was agreeable to that. He said the excavator only needs access through the park for
one day, and all other access will be through his driveway. President Martin noted that our ordinance prohibits access through park property, but Vice President Castranio said he is ok with it if the Township Solicitor drafts up an agreement that everyone signs. Vice President Castranio asked if there was a pool in the location at one time, and Mr. Todd said there was a pool but it was leaking so they are starting from scratch. Commissioner Cochran made a **MOTION** to approve the request, contingent upon the Solicitor drafting an agreement signed by both parties that specifies that the requestor agrees to restore the area back to its original condition and gives a year to address any settlement or other issues with the restoration. **SECONDED** by Vice President Castranio. Mr. Fraser asked if the cost of the agreement will be borne by Mr. Todd, and Board consensus was that Mr. Todd should bear that expense. Mr. Todd indicated that the pool company won’t start until he has something in writing. Solicitor Feinour said he can have an agreement in place by next week. The motion carried unanimously.

**SANITARY SEWER COMMITTEE**

There is a Sewer Advisory Board meeting on November 18.

**ADMINISTRATIVE COMMITTEE**

**BUDGET UPDATE**

Mr. Fraser summarized his October 2021 fiscal report as follows. For the month of October, General Fund expenditures (all expenditures plus transfers of $1,740,000 exceeded General Fund revenues (revenues minus fund balance) of $588,000 by $1,152,000. The decrease in net position matches previous year trends, with the steepness of this fiscal year’s line being due to the size and timing of pension contributions. FY 2021 is still exceeding net position for 3 out of the last 3 years. Revenues in the month were mostly made up of local enabling taxes (real estate transfer taxes, earned income taxes, and local services taxes). Most of the expenses are related to pension and OPEB contributions.

Overall revenue and expenditure positions in October 2021 are $9,180,370 (an increase of 5.45% when compared to 2020) and $8,210,519 (a decrease of 8.66% when compared to 2020), respectively. Most of the difference in revenue is from earned income tax and building permit proceeds, while the difference in expenditures is related to the purchase of land in FY 2020. Net position is expected to increase in November as expenses drop off to mostly personnel expenses and revenue remains level.

The Sewer Operating fund’s net position has improved to $167,000. The increase in net position matches trending lines from 2018 and 2019. The increase is mostly due to the collection of quarterly sewer rental fees. The fund is expected to see continued increases in November as additional sewer rental fees are collected.

At the end of October, the Township expenditures are being managed within budgetary constraints. None of the Township’s funds are currently at risk of operating in a deficit; all funds revenues (revenue plus fund balance) exceed expenditures.
AUTHORIZATION TO ADVERTISE TENTATIVE BUDGET ORDINANCES FOR ADOPTION AT THE DECEMBER 15, 2021 MEETING

Two budget ordinances must be advertised prior to the Board of Commissioners adopting the 2022 Budget at the December 15, 2021 Board meeting. In accordance with First Class Township Code, the Township must advertise the proposed budget and place a copy out for public display at least 20 days prior to adoption.

The first ordinance appropriates specific sum estimates required for the specific purposes of municipal government in 2022. The second ordinance adopts the budget for the 2022 calendar year, authorizes expenditures and levies taxes. The proposed 2022 budget includes a .05 mill real estate tax increase in both the General Fund and Fire Operating Fund, bringing those funds to 1.55 and .4 mills, respectively. Additionally, the proposed budget has a 5% average reduction in streetlight taxes and a 5% reduction in fire hydrant taxes. The proposed 2022 budget includes funding for one additional police officer, a parks coordinator, and a temporary building code official. President Martin noted that Upper Allen Township’s sewer rates are substantially lower than other municipalities.

Commissioner Cochran made a MOTION to authorize the appropriate Township official to advertise both budget ordinances and place a copy of the proposed 2022 budget out for public display. SECONDED by Commissioner Walter. The motion carried unanimously.

REVIEW OF PROPOSED FEE SCHEDULE CHANGES

Board members were given a draft of the proposed fee schedule for review prior to taking action at the December 15, 2021 meeting.

PARK AND RECREATION COMMITTEE

President Martin mentioned that open houses associated with potential uses at 1215 McCormick Road have been completed. There was good attendance, with around 300 people participating. He noted for the record that we received a letter from Susan Miller on E. Lisburn Road related to her thoughts on the use of the property. He said the letter was recognized and already forwarded to Derck & Edson, the consultant on the project.

Mr. Fraser noted that there will be a Park & Recreation Board meeting on November 23 at 6:30 p.m.

SOLICITOR UPDATE

There was no report.

TAX COLLECTION COMMITTEE UPDATE

There was no report.
CAPITAL REGION COG UPDATE

President Martin noted that the annual dinner is scheduled for January 17 at Central Hotel, by Union Deposit.

President Martin also noted that Cumberland County Commissioner Difilippo attended the meeting and talked about several County initiatives. Cumberland County will get $49 million in relief, so they will bring some kind of distribution proposal out late this year or early next year. Also, the County Public Safety report about the radio system indicates that both Motorola and Harris are 325 compatible, so they should be able to communicate. Motorola is being recommended by the County and they are looking to get preferable pricing from them. They are hoping to have everything completed by the 3rd quarter of 2023.

MUNICIPAL ADVISORY BOARD (MAB) UPDATE

There was no report.

PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS (PSATC) UPDATE

There was no report.

MISCELLANEOUS

There was no discussion.

PUBLIC COMMENT

Phil Walsh, of 443 McCormick Road, commented on the use of the Township logo versus the Township name on the water tower that was discussed earlier in the meeting. He questioned whether the Board would consider using a name rather than the Township’s logo, in deference to non-religious neighbors. President Martin said he envisions a tower with Upper Allen on it as visible as possible.

COMMISSIONER COMMENT

Regarding the HARB (Historical Architecture Review Board) meeting last night, Commissioner Cochran said there was a case involving a request to construct an addition to the rear of the home at 814 McCormick Road. He said that passed fairly quickly and allowed for time to present to the HARB the fact that we have money in the budget next year to have a consultant help us with the current historical districts and properties. He said they talked about what our issues are. He noted that HARB involvement in Shepherdstown issues brought most of this to light. He explained that the map and physical descriptions of the historic district didn’t agree. Also, as we went back to research our districts as well as our properties, there is no rhyme or reason why some are in and some are out. Three things were determined – (1) the need to come up with what the district or property should look like, (2) a historic district that continues to be recognized will be under the
purview of HARB, and (3) a historic building would not be under HARB but would come back to the Commissioners. He said they talked a lot about the *Early Architecture in Upper Allen Township* book, which was commissioned by the Board of Commissioners in 1976 for the Centennial. Ed Lafond was one of the contributors, and Virginia Lafond, who is currently on the HARB, talked about what really happened behind the scenes. He said it was an act of love and a hobby for some but there really was no standard, and Mrs. Lafond was supportive of what we are trying to do, and the HARB understands that we need some rules as to why some properties are in and why others aren’t, and we need to be able to defend what we do. He said there aren’t enough documents left from the 70s and 80s to define why things were done. He said Mrs. Lafond is going to look to see if she has any documents to support what happened then. She said she still has cases of the books, and we have some here at the Township building. She has two file cabinets full of papers that might be related to the design of the historic districts and she will see if she has anything that will be of help.

Commissioner Cochran said HARB Chairman Joe Botchie asked about 1215 McCormick Road and that was discussed. He said HARB understood that they weren’t invited to come in and look at a building that we don’t know is historic until we get some historic rules in place, and they are fine with that. He said the meeting went an hour longer than needed. He said he wants to get the minutes of that meeting out because there were comments online that we were trying to do away with historic districts and he would like to get the accurate information out. HARB agreed and Commissioner Cochran said he did promise that they will see the consultant’s comments. Commissioner Anderson said Mrs. Lafond is well-versed on the historic areas. She questioned whether anyone has contacted Pat Finkenbinder for information.

**EXECUTIVE SESSION**

President Martin recessed the meeting to Executive Session on a labor issue and potential vendor issues at 7:30 p.m.

**ADJOURNMENT**

President Martin reconvened and adjourned the meeting at 8:15 p.m.