President Martin called the Board of Commissioners regular meeting to order at 6:35 p.m. A moment of silence was observed, and The Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Fazekas. Commissioners Castranio and Walter were absent.

### CONSIDERATION/APPROVAL OF MEETING MINUTES

President Martin asked for any comments or corrections to the Minutes of the January 22, 2020 Board of Commissioners meeting. There were none, and Commissioner Anderson made a MOTION to approve the Minutes of the January 22, 2020 Board of Commissioners meeting, SECONDED by Commissioner Cochran. The motion carried unanimously.

### PRESIDENT’S ANNOUNCEMENTS

President Martin noted that the Certificate of Achievement for Excellence in Financial Reporting for year ended 2018 will be presented at the March 4 Board of Commissioners meeting.

He also announced that there will be an Executive Session on a labor issue and a possible real estate issue following the regular meeting.

### PRESIDENT’S RECOGNITION OF VISITORS

There were no visitors signed in to speak.

### CONSENTP AGENDA

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

- Consideration/Approval of Staff Reports.
- Consideration/Approval of Bills in the Amount of $797,815.60

The motion carried unanimously.
PUBLIC SAFETY COMMITTEE

CONSIDERATION/APPROVAL OF COLLEGE COURSE WORK FOR DETECTIVE TRENTON MELLOTT

Detective Trenton Mellott has requested approval of college course work to attend CJ-675, Data-Driven Decision-making in Criminal Justice, in pursuit of his Master of Science Degree in Criminal Justice with a concentration in Public Safety Administration through Southern New Hampshire University. The class is required for the program.

Chief Adams said he is old-school when it comes to college, but it is now a different world and with these on-line courses the semesters run different than the traditional courses. He said in accordance with his policy, police officers are not allowed to take overlapping courses and are limited to four courses per year.

Commissioner Anderson made a MOTION to approve the class at a cost of $1,881, SECONDED by Commissioner Cochran. The motion carried unanimously.

FIRE DEPARTMENT UPDATE

Chief Shumberger said the open house for the renovated building is coming up on Saturday, March 28. President Martin said he heard the banquet went well, and Commissioner Anderson said the food, catered by Premier Catering, was very good.

PLANNING & ZONING COMMITTEE

There were no items for discussion. Mrs. Boyer noted that the next Planning Commission meeting is scheduled for February 24.

PUBLIC IMPROVEMENTS COMMITTEE

CONSIDERATION TO WAIVE OVERLAY REQUIREMENTS FOR SUEZ WATER STREET OPENING PERMIT FOR INTERSECTION OF ELMWOOD AVENUE AND ALISON AVENUE

On February 7, 2020 the Township received a street opening permit from Suez Water PA, Inc. to install new watermain lines at E. Elmwood and Alison Avenues. The work involves a street cut of 1,180 square feet at the intersection and a 20-square-foot cut in the grass. Per Section 217-7 of the Township’s Street and Sidewalk Ordinance, pavement restoration is required. However, Section 217-7.G states that the Commissioners may waive this requirement if the Township is scheduled to perform full road paving within the next 12 months.

The Township will be paving E. Elmwood and Alison Avenues this summer. Commissioner Cochran said we instructed Suez to ask for the waiver, noting that staff warns utilities ahead of time that they should do it before we pave. He said he happened to be in the office when our Engineer came in and talked to Mrs. Boyer about it. He said it doesn’t make sense for them to do a complete rebuild of a section of road that we will tear up within 30 days, and he said the Board should
probably grant the waiver. He said the Engineer explained that the road will have better integrity and is smoother when you do it all in a seamless pour.

President Martin said it seems like we are giving the advantage to the utility and he assumes we asked them for payment in lieu of. However, Commissioner Cochran said we did not, noting that the Township has an excellent rapport with Suez and they have done favors for us in the past. Mrs. Boyer said Suez will still do any temporary paving and would do the final paving work for the trench area, but we would not ask them to do the final mill overlay. She said if they completely do their part and we do our part, there will be an overlap, which we don’t want to see. She said they will do the binder prior to us doing the wearing course and they agreed to do the work by May 1. She said they have been very easy to work with during this process and Mr. Fazekas added that they have done other work for us on Market Street and Mt. Allen Drive and we didn’t get charged for it when the other utilities did charge us. He said he does understand President Martin’s concern about a contribution in lieu of. He noted that Legacy Park is going to pay us at least $15,000 for work near Despina. Following the discussion, President Martin expressed his support for the waiver.

Commissioner Cochran made a MOTION to waive the overlay conditions in Section 217-7 for Suez Water’s street opening permit for work at the intersection of E. Elmwood Avenue and Alison Avenue. The applicant will be required to perform all required temporary and permanent restoration to the openings. SECONDED by Commissioner Anderson. The motion carried unanimously.

**CONSIDERATION OF REQUEST FOR REDUCTION IN FINANCIAL SECURITY FOR VA CLINIC EXPANSION, UAT FILE #19-03-01B**

Staff received a letter from the developer requesting a reduction in the financial security posted for the above-referenced plan. Improvements completed through the date of the request have been inspected and it was found that the developer has installed some improvements in accordance with the approved plans and specifications. Therefore, the Board of Commissioners is in a position to authorize a reduction in the financial security posted by the developer with the Township.

The Township is holding a Letter of Credit in the amount of $273,845.00 to guarantee installation of the improvements in this development. As provided in the Municipal Planning Code Section 509(j) and Section 509(f), staff suggested that the Board of Commissioners retain 10% of the estimated cost of the completed improvements and 110% of the estimated cost of the remaining improvements to be installed. Therefore, the developer should be required to post new financial security for $31,995.00. No improvements are to be dedicated to the Township, so the developer would not be responsible for posting any maintenance security.

Developer Lowell Gates, of Linlo Properties, was in attendance. He thanked the Township for working with them at the VA Clinic project. He said it is wonderful now with the full drive access around the building. He said there is lots of parking, the staff loves it, and he thinks it is easier for the vets too. Commissioner Cochran thanked him for doing such a nice job on the building. He said it is attractive and he also thanked him for cleaning up the shrubbery. Mr. Fazekas noted that the stormwater issue is also resolved.

Commissioner Cochran made a MOTION to reduce the financial security for the VA Clinic Parking Expansion project, UAT File #19-03-01B from $273,845.00 to $31,995.00. Township staff shall release the current financial security to the developer after the developer provides an amendment to
the current Letter of Credit or posts with the Township new financial security in the reduced amount in a satisfactory form as provided for in the Subdivision and Land Development Ordinance. **SECONDED** by Commissioner Anderson. The motion carried unanimously.

Regarding the development of the tracts at Market Street and Gettysburg Pike, Mr. Gates said the Maggie’s 3-acre site is under agreement with a nice convenience store that is of Sheetz quality with pumps, food, etc. He said it looks like there will just be that one enterprise there as opposed to different ones. He said he is working with PennDOT on a traffic study. Commissioner Cochran questioned whether Maggie’s will still be a tenant. Mr. Gates said they are talking to them, and are hoping to put them up on the 6-acre site across Market Street. He said on the 6-acre site they are looking into two hotel developers, fast food, and a retail center to hopefully include Maggie’s. He said he is talking to them about it as well as other services helpful to the area. He said he has a liquor license under agreement and is in the process of bringing that to the site because he won’t get a good quality restaurant there without it. He said although he is talking to two hotel developers, he is thinking of one hotel at the site. He said PennDOT has been very cooperative. President Martin said he appreciates Mr. Gates cleaning up the site while acknowledging that it is good for marketing of the space too.

President Martin noted that all four corners of the intersection are being developed, and he questioned how we can be assured that we have a comprehensive traffic study of the intersection along with the Route 15 ramps. Both Mr. Reichard and Mrs. Boyer indicated that they are cognizant of the need for comprehensive input. Mr. Reichard said he believes that the studies completed to date are of good quality. He said the good thing is that PennDOT is aware of the master plan for that intersection and he doesn’t see anything coming through the approval process without those things being addressed. He said he thinks there is ample opportunity for all parties to have input. Commissioner Cochran noted that when it is complete, the intersection will be three lanes in all directions. President Martin questioned whether there will be an opportunity coming north off of Gettysburg Pike and turning right onto Market Street, to have a lane that is continuous onto Route 15, similar to when you come off of Mt. Allen Drive onto Route 15 to the Turnpike, or when you come off of the Turnpike onto Route 15 to Cumberland Parkway. Mr. Reichard said that would be an item to bring up at a scoping meeting. Commissioner Cochran questioned how we get pedestrian traffic through the intersection, noting that we were forced to put in crosswalks previously but there is nowhere for pedestrians to walk. He said we need to bring that into consideration too and hopes we at least try to get something there. President Martin said that’s another reason why things have to be looked at comprehensively.

**AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE 2020 ROAD IMPROVEMENT PROJECT**

Mr. Fazekas asked for authorization to advertise for bids for the 2020 Road Improvements project. Roads scheduled to be improved include the Georgetown area (E. Elmwood Avenue, Despina Drive, and Alison Avenue) and Canterbury Estates (Bradford Drive, Canterbury Drive, Coventry Drive, Dover Court, Hastings Drive, and Mill Road). The Engineer’s construction estimate for all the infrastructure improvements is $1,476,849. The 2020 budget includes $850,000 in the Permanent Improvement Fund and $500,000 in the Liquid Fuels Fund for road improvements. The Sewer Reserve Fund includes $75,000 for manhole repairs and the Stormwater Operating Fund includes $75,000 for stormwater improvements to the existing infrastructure.
The Stormwater Authority took separate action to authorize advertisement of the joint bid for stormwater as part of the 2020 Road Improvements. Staff is expected to bring bids back to the Board by their March 18th meeting. Mr. Fazekas noted that the total for Georgetown is about $165,000 and the rest is for Canterbury.

Commissioner Cochran commented that he knows it will be expensive but he really wants to fix the bottom of Mt. Allen Drive by the railroad bridge. Commissioner Anderson agreed that it is bad. Commissioner Cochran said we won’t get any relief from the railroad so we have to figure out how to make it better despite that.

Commissioner Cochran made a MOTION to authorize the appropriate Township officials to advertise joint bids for 2020 road improvements, SECONDED by Commissioner Anderson. The motion carried unanimously.

President Martin questioned when the Board might get a report on the bridge study being conducted by TPD. Mr. Fazekas said TPD is attending the next Public Improvements Committee meeting for their initial presentation. He said he has a copy of the report and can send it out in advance. He said they did the road paving analysis and bridge and weight studies. Advantage Engineers did some of the work but TPD did most of it. President Martin asked him to have the Public Improvements Committee look at it and vet it for completeness and then send it to the Board.

SANITARY SEWER COMMITTEE

There were no items for discussion.

ADMINISTRATIVE COMMITTEE

BUDGET UPDATE

Mr. Fraser reviewed his January Fiscal Report as follows. The information presented in the report is based on historical numbers generated in 2017, 2018, 2019 and year to date 2020, and focuses on the two main operating funds—General and Sewer Operating.

After one month of 2020, General Fund expenditures (all expenditures plus transfers) of $760,000 exceeded General Fund revenues (revenues minus fund balance) of $510,000 by $250,000. The majority of expenses in January are related to payroll and insurance payments. Most of the revenue collected in January is related to prior year income tax and current year real estate transfer taxes.

The Sewer Operating Fund is currently in a net surplus position at this early part of the year in the amount of $339,000. This will fluctuate throughout the year during lulls in sewer rental collections and large debt service payment periods.

At this early point in 2020, 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.
UPDATE ON JOINT RECREATION AGREEMENT DISCUSSIONS

Commissioner Cochran noted that the latest public statement from Mechanicsburg School District indicated that they would like to have a meeting of all four involved parties and are trying to set it up, but he’s not aware of any attempt to do so. Staff in attendance at tonight’s meeting indicated that they have not heard of any meeting. President Martin said he has been trying to reach the School Board President, and asked Mr. Fazekas to contact the School District to let them know he is trying to make contact.

PARK AND RECREATION COMMITTEE

Mr. Fraser said there is a Park & Recreation Board meeting on February 26. He noted that Miller’s Crest and Spring Run Playgrounds have been torn down and new equipment is being installed, then our staff will do the mulching and add a small fence at Miller’s Crest. He said the facilities should all be in service by mid-March, which is about a month earlier than last year.

President Martin requested that Commissioners receive a quick update of Park & Recreation Board happenings shortly after the meeting, since the official minutes are not normally distributed right away.

MISCELLANEOUS

There were no items for discussion.

SOLICITOR UPDATE

There were no items for discussion.

TAX COLLECTION COMMITTEE UPDATE

There was no meeting.

CAPITAL REGION COG UPDATE

President Martin noted that there was a COG meeting earlier in the week. He said the Joint Bids for road salt and other items are tabulated. He said COG is applying for a SAFER (Staffing for Adequate Fire & Emergency Response) Grant which, if received, could provide funds to help with member fire companies for recruitment, training and assistance. He said it will probably be a 7-figure grant should we get it. In order to qualify, he said every volunteer fire department has to pass a resolution and sign that they are willing to participate and want to be included. If you don’t pass a resolution and the SAFER grant is awarded and you didn’t sign up ahead of time, you are not eligible. He said it’s a state grant that we may or may not get. He said he will provide the appropriate information.

Also discussed was legislation related to wireless facilities in public rights-of-way. He said he thinks there will be a push for them and the municipalities are all opposing them, but PSATS hasn’t taken a
position and no one can figure out why. Even if we are successful, he said they plant these poles pretty much at will and we could have two or three carriers in the same block. He said his concern is that we should consider being prepared so that if that legislation comes along, we are proactive. He said having a Township ordinance in place would limit which streets they could be put on, and there might be other considerations we would want to be proactive about.

Mr. Fazekas said we are currently working with Dan Cohen, and Mrs. Boyer said we do already have an ordinance in place under Zoning that is related to wireless facilities. She said we did those ordinances under the FCC order a few years ago and in them we talk about locations as far as Township streets. At that time she said we decided not to limit them and to allow them on all Township streets. Then a few years later they started talking about smaller facilities that allow you to put coverage within a couple hundred feet as opposed to big lattice towers that stretch coverage for miles. So then the FCC issued a new order last year. She said we did get in touch with Mr. Cohen and they did our first ordinance revision. We also put a contract together to have them give us updates. She said some of it was delayed by the state. She said she got word from Mr. Cohen’s office last week that they have everything backed up as far as changes, and she should receive it in March. She also noted that when we did the end of the year updates to the Schedule of Fees, we added fees related to wireless facilities. She said we amended the ordinance for when the small cell facilities come in. President Martin said he is glad that staff is being proactive. He added that he would be interested in Mr. Cohen sitting down with the whole board.

MUNICIPAL ADVISORY BOARD (MAB) UPDATE

There was no meeting.

PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS (PSATC) UPDATE

Commissioner Anderson said she has been in touch with a lobbyist from PLM (Pennsylvania Municipal League) concerning a newspaper article on Governor Wolf’s proposal for police charges and the rate we were charged at and how we were compared to Lower Allen Township. Commissioner Cochran clarified that in Governor Wolf’s budget he raised the issue of having municipalities charged for Pennsylvania State Police (PSP) coverage even if we have our own Police Department. Now he has raised the issue that even if we have our own Police Department, we still use the PSP lab and backup services, and he seems to be throwing a bone to Second Class townships. He said when you look at the numbers it is clear that Monroe Township was charged $50-$80 per person per year and we were charged $8, but Lower Allen Township was charged $5 and we have a larger police force. He thinks it has to do with the amount of assessed real estate per resident.

Chief Adams said when he looked at some of the comparisons a while ago, and other Chiefs agree, that you have to pay attention to what is in the budget. He said Upper Allen does a good job of truly reflecting the cost of running a Police Department to include benefits and other costs, while some municipalities are still leaving that lumped into administrative costs, so you are not comparing apples to apples. He said you have to look at every line item in the Police Department budget. He said another concern is that in Cumberland County we have our own lab that ranks right up there with PSP, and it is rare that we take a piece of evidence to PSP. He said we have our own response
team and don’t use the PSP. Before we had our own SRT and we needed PSP, he said it took them 2-3 hours to get up and running because they were responding from a distance. He said probably the PSP service they would use most often would be their helicopter, and it has been a few years since we used it. Commissioner Cochran said PSP used some of our officers in cyber crime in the past, and when they do that, can we charge. Chief Adams said we have responded to Monroe Township because the Carlisle substation of the PSP covers about half of Cumberland County. He said they only have one car and two troopers on night shift and there have been multiple times in his career when Upper Allen gets called to Monroe for an active incident when there is no trooper available. He said it doesn’t happen a lot, but does happen. He said he thinks Commissioner Cochran brings up a good point. He said we have our own crash team, forensics unit, lab, and a major crimes unit up and running recently, with two Upper Allen officers on it. He said when he read the article it ruffled his feathers.

Commissioner Anderson said she told PLM that we are very upset, and they are holding a meeting of all the associations and are trying to get someone to come in and explain how it was determined. She said they will start lobbying in the next couple of weeks and she volunteered herself and Commissioner Cochran to talk to them. President Martin said we should put pressure on Representative Delozier too, and Commissioner Anderson said she has talked to her twice about it. Board consensus was that Upper Allen shouldn’t be charged more than Lower Allen, and they are perplexed by it.

**MISCELLANEOUS**

Commissioner Cochran noted that the Catholic Diocese of Harrisburg has declared bankruptcy. He pointed out that they own a large piece of real estate within the Township and he is not sure what effect that will have. He said they may be forced to move that land quickly. President Martin said our Solicitor will pay close attention to it, and Solicitor Feinour said he thinks the filing was an attempt to protect their assets and give them some management of the litigation against them.

**EXECUTIVE SESSION**

President Martin recessed the regular meeting to Executive Session at 7:30 p.m. for a labor issue and possible real estate issue.

**ADJOURNMENT**

President Martin reconvened and adjourned the regular meeting at 8:45 p.m.