President Martin called the Board of Commissioners regular meeting to order at 6:30 p.m., noting that it is being held virtually and is being recorded. He welcomed everyone to the new “normal” and gave a shout out to health care workers and to Police, Fire and EMS and all frontline responders who are doing a great community service. A moment of silence was held, and The Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Fazekas.

CONSIDERATION/APPROVAL OF MEETING MINUTES

President Martin asked for any comments or corrections to the Minutes of the April 15, 2020 Board of Commissioners meeting. He noted that they have been revised to reflect that as part of the discussion on new real estate, the Board adopted a Resolution to exempt the Township from paying the 1% real estate taxes on the purchase. Commissioner Anderson made a MOTION to approve the Minutes of the April 15, 2020 Board of Commissioners meeting as stated, SECONDED by Commissioner Walter. The motion carried unanimously.

PRESIDENT'S ANNOUNCEMENTS

President Martin commented that we have some citizens registered for this Zoom meeting, and he welcomed them and said he is pleased that they are participating. If we get to a point on the agenda that they have comments on an item, he asked them to please signal Mr. Fraser virtually; otherwise, for all other comments and questions we will have a section at the end of the meeting for general comments. He noted that there is an additional item 7a, under Park & Recreation, which will be a discussion on continued management of our parks, and there will be an Executive Session after the business is conducted to discuss an item of potential litigation.

PRESIDENT’S RECOGNITION OF VISITORS

There were no visitors registered to speak at this point.
CONSENT AGENDA

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

Consideration/Approval of Staff Reports. Commissioner Cochran questioned the outstanding sewer balances noted in the Township Manager’s report, commenting that it seems like they’ve doubled this year over last. He said it was happening even before COVID-19 but questioned whether COVID-19 has exacerbated it. Mr. Fazekas said the outstanding balances also include stormwater charges, but he will take a look at it and report back to the Board. Vice President Castranio noted that the Gettysburg Road realignment project has started, and he questioned whether the Township has received any calls about it from affected businesses. Mr. Fazekas said after the Township received the fifth and final payment from business owners, he sent out a letter telling them that construction was anticipated to start around March, with completion around the end of the year, but he hasn’t heard anything back from any of them. Vice President Castranio said the best news is that it has begun. Mr. Fazekas said they have cleared trees and moved quite a bit of earth and are still expecting to be done before the end of this construction season. Commissioner Cochran said it appears they cleared out an area that runs parallel to Wesley Drive and he didn’t think we were doing anything there. Mr. Fazekas said there must be some additional stormwater facilities they are installing, but he will check with Lower Allen Township and can possibly get a copy of the plan. President Martin noted that he is pleased with fire, police and EMS in terms of precautionary health procedures with respect to COVID. President Martin noted that the Township Manager’s report mentioned further conversation with Erie Insurance regarding Northeast Foundation and Concrete. He noted that this item will be discussed in Executive Session after the meeting.

Consideration/Approval of Bills in the Amount of $434,509.10

The motion carried unanimously.

PUBLIC SAFETY COMMITTEE

CONSIDERATION/APPROVAL OF COLLEGE COURSE WORK FOR DETECTIVE TRENTON MELLOTT

Chief Adams noted that Detective Trenton Mellott has requested approval for CJ-790, Criminal Justice Capstone. This is a required class in the Master of Science Degree in Criminal Justice with a concentration in Public Safety Administration course he is enrolled in through Southern New Hampshire University. Chief Adams asked the Board of Commissioners to review and approve the request. He noted that Detective Mellott had previously made him aware of his intent to take this course, so the funds were already budgeted.

Commissioner Walter made a MOTION to approve CJ-790, Criminal Justice Capstone for Detective Trenton Mellott, in the amount of $1,881, SECONDED by Vice President Castranio. The motion carried unanimously.
Chief Adams noted that upon completion of this Master’s Degree we will have 7 officers in the Police Department that hold Master’s Degrees in a Criminal Justice Field. They also have 11 other officers that hold Bachelor’s Degrees and 3 of those are pursuing their Masters’.

CARS BACKED UP AT McDONALD’S

Commissioner Anderson mentioned that she noticed today on S. Market Street by McDonald’s that there were four cars backed up with their turn signals on to turn into McDonald’s. She said the Board has previously discussed cars being in the road and not the parking lot, and she thinks it presents a very serious safety issue. President Martin said he has also noticed it and thinks it has become a more acute issue now with drive-thru being the only option, and he is not sure what the solution might be. He said he is sure Chief Adams will take that into consideration. Chief Adams said he will email his Traffic Safety Officers to pay attention to it. He said it really has increased at all the restaurants since COVID-19. He said it is a legitimate issue and he’s not sure we have a good solution, but he will look into it and try to get a better handle on it. Commissioner Anderson said she noticed it around 4:30 but also between 11:30 and 1.

FIRE STATION PAD UPDATE

Chief Shumberger said the contractor is coming back to finish the epoxy on the Fire Station pad at the end of the month, and they were back today to hopefully take care of the roof leaks. He said the Fire Department is trying to determine when they want to have their Fire Department meetings again. President Martin suggested that they err on the side of caution because the whole force is pretty healthy and taking good precautions, and you want to keep it that way.

PLANNING & ZONING COMMITTEE

CONSIDERATION/ACTION ON WILLOWS AT ASHCOMBE PRELIMINARY/FINAL SUBDIVISION/LAND DEVELOPMENT PLAN, UAT FILE #20-01-22

President Martin noted that this plan has been before the Board of Commissioners previously, and they are familiar with it. He indicated that after the initial submission to be discussed tonight there were two subsequent submissions and clarifications that required staff review. He said he pointed it out because we have professionals working on this plan for the applicant that certainly know our protocol. He said he spoke to one of the professionals about it and noted that it put a lot of extra stress on Mrs. Boyer and the Community Development Department and in his view, a day before you consider whether to approve or disapprove plans is not the day to get additional comments. He said Mrs. Boyer did a phenomenal job getting her comments to the Board by 4:00 today, and said it’s not the fault or responsibility of her department.

Mrs. Boyer introduced the plan and thanked President Martin for the comments. She said the plan has been discussed on multiple occasions when dealing with the Conditional Use that was previously granted. She said this new information is for the 30 cottages that will be developed as part of the resort. She said she received the additional information late regarding the waivers, a deferral request, and traffic comments, and expects discussion on the waivers and modifications. She noted
that John Murphy, P.E., of Alpha Consulting Engineers, Attorney Charlie Courtney, and Deb Welsh, the developer, were in attendance by Zoom.

The proposed project is for the consolidation of the two existing lots into one lot with a total tract acreage of 22.49 acres. The proposed lot will be developed into a resort style special occasion facility with 30 cottages. The facility will provide private rental for occasions such as business meetings, weddings, receptions, banquets and other similar functions. The facility will also be able to accommodate overnight guests but is not open to the general public. The property will be served by public sewer and water. The property contains wetland areas as well as floodplain and floodway areas. A Conditional Use was secured for the proposed use at this property on December 18, 2019.

The applicant has requested the following modifications:

1. Modification of Section 220-9.A to allow the applicant to submit a joint Preliminary/Final Subdivision & Land Development Plan. Staff comment: There was concern that any accessory uses, including the brewpub, would not be followed up with a land development plan. The applicant has provided a note on the plan stating that additional buildings for accessory uses would comply with the land development process and applicable provisions in the SLDO and other Township ordinances. Staff has no other issues unless there would be additional discussion needed to address any concerns proposed in the traffic impact study. The Planning Commission recommended that this modification request be approved.

2. Modification of Section 220-16.A(1) to allow the applicant to install curbing only along the parking stalls to allow stormwater to be directed to proposed inlets. Staff comment: Staff sees no issues with this request, as the lack of curbing will occur within private areas. The proposed curbing will direct runoff from paved areas into the intended inlets and/or storm basins. The Planning Commission recommended that this modification request be approved.

The applicant has requested the following waiver:

1. Waiver of Section 220-16.B(5) has been corrected to reflect Section 220-16.B(3) to allow the applicant to only install sidewalks internally. The applicant requests to pay a fee in lieu of sidewalk construction along Grantham Road and Gettysburg Pike. Note: The applicant has stated they will likely seek permission to pay a fee in lieu of construction. Additional documentation must be provided stating how the applicant’s request meets one or more conditions in Section 220-16.B(9) of the SLDO. Otherwise, sidewalks should be constructed along Lisburn Road and Gettysburg Pike. It is not the Township’s policy to consider waiver requests for installation of curbs and sidewalks. ThePlanning Commission recommended this request be approved only if the applicant can demonstrate they meet the requirements to provide a fee in lieu of construction. Staff comments: On May 19, 2020, the applicant provided information regarding how it meets the requirements to provide a fee in lieu of sidewalk construction. Currently, there are no other sidewalk deferrals in this area, nor are there existing sidewalks along these sections of Grantham Road and Gettysburg Pike. The Comprehensive Plan only
identifies a future walking trail through the Trout Run area. No sidewalks are proposed along these sections of Grantham Road or Gettysburg Pike.

There are existing sidewalks within the Ashcombe and Rosegarden neighborhoods. If the Commissioners would like to see a sidewalk connection to this site, particularly if the restaurant/brewpub become open to the public, it may be more appropriate to consider sidewalks or pathways that are internal to the applicant’s site. Additionally, the Ashcombe neighborhood would need to construct sidewalks within their open space areas along Grantham Road to complete the connection.

Per Section 220-16.B(9), the applicant may offer to pay a fee in lieu of construction if the Township determines that one or more of the three conditions has been met. The applicant has provided justification to three subsections of the fee in lieu of requirement. If the Commissioners deem these reasons to be just, then the applicant would not be required to install sidewalks along Grantham Road and/or Gettysburg Pike.

a. The sidewalks are not logical extensions or links to existing sidewalks/walkways.

b. Topographical, sensitive or other conditioned areas do not make it practical/feasible to construct sidewalks.

c. The sidewalks are not a proposed feature on the Township’s Comprehensive Plan or any Official Map.

Per Section 220-16.B(9)(b), the fee shall not exceed 110% of the current costs of construction for said sidewalk. Construction costs are to be submitted by an engineer and reviewed and approved by the Township. The applicant’s engineer has submitted a cost estimate with their waiver request, claiming a cost of $4.00 per square foot. Most recently, we have determined the appropriate value for 4” thick concrete sidewalk to be $7.00 per square foot. The current cost multiplied by 6,692 feet at 110% of the cost would be $51,528.40. The estimate has been sent to the Township Engineer for his review and the final determination is pending.

As one of the conditions of approval, the applicant would be required to construct the curbing along Gettysburg Pike and Grantham Road, in accordance with Section 220-16.A(2) of the SLDO. On May 19, 2020, the applicant requested the following deferral: Deferral of Section 220-16.A(2) to not install curbing along Gettysburg Pike and Grantham Road until such time as the Township deems the improvement necessary. Staff comment: The applicant has provided reasons for why curbing should not be provided along these roadways. Staff has no issues with the request, as the construction of curbing could create additional hardships. Due to the existing design of the roadways, much of the stormwater runoff is into the grass areas. The construction of curbing would require additional stormwater management measures to be put in place to control the runoff. There are no other deferred curb improvements. There are curbs within Ashcombe and Rosegarden developments. There no existing curbs nearby along Grantham Road and 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 $14,820.80, based on 37,052 square feet of floor area.

The Community Development, Sewer, Police, Fire, and Public Works/MS4 Departments, as well as the Township Engineer, Traffic Engineer, and Cumberland County Planning Commission were notified on January 23, March 10, April 27, and May 11, 2020 that this plan was available for review, and comments were received from all. The Township Planning Commission unanimously voted to recommend approval of the applicant’s requested modifications and waiver as noted above at its April 27, 2020 meeting. They also unanimously voted to recommend approval of the applicant’s plan with conditions. The applicant has since revised its land development plan to address several outstanding conditions. The conditions listed below are what remain and should be considered when acting on the plan.

President Martin asked if, from a staff perspective, Mrs. Boyer feels she has enough information that it is now ready for the Board to review and take action. Mrs. Boyer said she does feel she has enough, noting that the biggest outstanding item is that staff must still review the cost estimate with regard to the sidewalk fee in lieu of request. She said knowing that going into this meeting we wouldn’t have that figure ready, once we get to that discussion, if we do accept it, it will be determined on the final cost amount based on the Engineer’s review.

Commissioner Cochran commented that he thought the Board of Commissioners put a policy in place that we wouldn’t accept changes at this late date. He said he doesn’t think that is fair. President Martin said he hears him and does not oppose his comment, but said he will allow Mr. Murphy to speak.

Mr. Murphy thanked them and thanked Mrs. Boyer, and acknowledged a very recent modification to the waiver and deferral requests, and said he appreciates the quick action. He said everyone is fairly familiar with the project, and he thanked the Board for the Conditional Use approval already obtained. He said Ms. Welsh did a great job on the facility and he looks forward to a great resort in the Township. He reviewed the project, noting there will be 6 rooms available plus the cottages, for a total of 31 units for wedding parties and guests, an event hall behind the mansion, and parking areas in a U-shape to specifically minimize noise on the existing residential property to the west. He said there will be extensive buffers on the two sides facing the residential, and buffering along Grantham Road and Gettysburg Pike. With the lot addition there will be approximately 22 acres. He noted that Trout Run is a sensitive environmental area and said all sensitive areas will remain in their existing condition. He said that is part of the rationale for the waiver and deferrals. They are proposing two access points on Grantham Road—one that is basically where the current drive is located and another that will go directly into the parking facility. He added that they are asking for two modifications as described. He said the Planning Commission recommended the first one. They are also asking for a waiver involving a fee in lieu of sidewalk. He said it meets the criteria and they understand that the number may be modified upon review by the Township’s Engineer. They are also asking for a deferral of curbing, noting that the request is environmentally based, both from an aesthetic and functional standpoint in that they want the stormwater to free flow through the existing vegetation. He said there are a couple of traffic comments that are very minor and Mark Allen, P.E., of Alpha, can address those. He added that there is one sewer lateral comment to address and they are waiting for clarification and are also waiting for clarification from staff on some of the plantings.
Commissioner Cochran questioned whether the number of outbuildings has increased from what the Board originally saw, and Mr. Murphy said he thinks it is consistent. He said the Chapel was always there. Michael Smith, Senior Environmental Consultant with Alpha, said the service building has always been there as well as the open terrace on the event hall. Mrs. Boyer said it was brought up during the Conditional Use discussion. She said the sidewalks are mostly internal to the site and that is part of the waiver request for the fee in lieu of. She said it is basically in between the parking areas where there are walkways that cross over towards the mansion and the lower part of the property towards Grantham Road. President Martin questioned why they cross over the driveway as opposed to coming down the other side, and Mr. Murphy responded that it is designed that way for future potential connection. President Martin questioned whether there is a planted area or a grass mound or something else in the parking lot between the parking spaces as they head in toward one another. Mr. Smith responded that it shows access to the mansion and the cottages as well as planted areas. Commissioner Walter said he knows the Board talked about the cottages being there for wedding guests, but questioned whether they are expected to be used for overnight guests for business meetings also. Mr. Courtney said the space is not just for weddings or special events, but could be used for business conferences too.

President Martin asked if any citizens are signed in to speak, and Mrs. Boyer said there were none. Vice President Castranio noted that he will abstain from voting because he is employed by the applicant’s engineer.

Commissioner Anderson made a MOTION to approve the modification request for Section 220-9.A to allow the applicant to submit a joint Preliminary and Final Subdivision & Land Development Plan, SECONDED by Commissioner Walter. President Martin said he believes this is a preliminary/final for this section of the plan, but if the future development we referenced earlier comes before the Board, he asked if it would be a separate item in the future. Mrs. Boyer said it would be separate, and noted that any time a development is proposed in stages, we typically look at it as a separate preliminary/final plan, so the applicant has agreed that with the plan there will be a note that any future development will require them to come back for another final development plan. President Martin said he also assumes that Chief Shumberger has had an opportunity to look through the parking lot and the circulation through the cottages and feels that they can maneuver the rigs appropriately. Chief Shumberger said he did look at it and said one concern he had was whether the sidewalks were heavy enough to withstand the weight of the equipment, but Mrs. Boyer said they are. The motion carried unanimously, with the exception of Vice President Castranio, who abstained because he is employed by the applicant’s engineer.

Commissioner Anderson made a MOTION to approve the modification request for Section 220-16.A(1) to allow the applicant to install curbing only along the parking stalls to allow stormwater to be directed to proposed inlets. This modification only applies to curbing internal to the site, SECONDED by Commissioner Walter. The motion carried unanimously, with the exception of Vice President Castranio, who abstained because he is employed by the applicant’s engineer.

Commissioner Anderson made a MOTION to accept the applicant’s request to provide a fee in lieu of construction of sidewalks, waiving the requirements of Section 220-16.B(3) of the Subdivision Land Development Ordinance to install sidewalks along Grantham Road and Gettysburg Pike. Per
Section 220-16.B(9), the applicant shall pay a fee in the amount to be determined by the Township Engineer. The cost shall not exceed 110% of the cost to construct the sidewalk along both Grantham Road and Gettysburg Pike. Payment of the fee shall be required as a condition of approval and prior to plan recordation. **SECONDED** by Commissioner Walter. Commissioner Anderson questioned whether this is the item the Planning Commissioner disapproved. Mrs. Boyer said at the time the Planning Commission met, we didn’t have the justification for the fee in lieu of, so the Planning Commission said they should provide sidewalks but if the applicant could demonstrate that they meet the fee in lieu of requirements then it would be acceptable. Mrs. Boyer said she is satisfied that they met the criteria. President Martin said obviously the applicant’s construction costs are substantially less than what we have determined, so he questioned how one comes to an agreement on that. He said we could always say we will go by the Township’s estimate, but he suspects some pushback from the applicant. If the Board takes positive action to an unresolved matter that could get dicey, he questioned what kind of resolution we would need to fix it. Mr. Murphy said they have successfully worked with the Township’s Engineer and he doesn’t anticipate any disagreement. Mrs. Boyer said the worst case is if questions can’t be resolved, which she doesn’t see happening, but at that point they could come back to the Board for further discussion. Township Engineer Jason Reichard said they are still discussing the approach internally. President Martin pointed out that the cost difference is not insignificant, and from the get-go the developer is low-balling. He said it’s good to say we won’t have a problem to get it passed, but he really is concerned that the staff not be put in a strong-armed position. He apologized for his frankness. Mr. Reichard said if there would be a dispute that staff can’t resolve or they find themselves in such a position, there is an opportunity to come back to the Board to discuss it further. As Mr. Murphy mentioned, he said we have always had give and take on both sides. He said he thinks the motion as read is currently in favor of the Township. President Martin said he appreciated Mr. Reichard’s comments and said he doesn’t think there will be an issue either, but if there is one he wants staff and Mr. Reichard to bring it back to the Board as opposed to trying to handle it themselves.

The motion carried unanimously, with the exception of Vice President Castranio, who abstained because he is employed by the applicant’s engineer.

Commissioner Anderson made a **MOTION** to approve the deferral request for Section 220-16.A(2) for the installation of curbing along Gettysburg Pike and Grantham Road until such time as the Township deems the improvement necessary. The curbing and all required curb detail specifications shall be shown on the final plan as a future improvement. **SECONDED** by Commissioner Walter. The motion carried unanimously, with the exception of Vice President Castranio, who abstained because he is employed by the applicant’s engineer.

Commissioner Anderson made a **MOTION** to approve the Willows at Ashcombe plan as a preliminary/final subdivision/land development plan, UAT File #20-01-22, with the following conditions, **SECONDED** by Commissioner Walter:

**TRAFFIC COMMENTS**

The following comments are based on the draft TIA dated March 24, 2020 and submitted to the Township on April 27, 2020:
1. Document must be provided indicating PennDOT’s and the Township’s acceptance of the revised scope application.

2. In regards to the proposed trip generation of the site, backup data and/or further justification shall be provided for the following:

   a. The TIA states that the trips for the wedding venue are based on the National Published Wedding Data and that the average attendance is 136 guests per wedding; however, no back up data was provided in the TIS for verification. Documentation shall also be provided from the applicant confirming that they expect wedding event attendance will match the assumptions of the TIA.

   b. The TIA indicates that the on-site Restaurant will service wedding events only; however, the current Ashcombe Mansion website states that consideration is being given to public dining during the week. In addition, the Brewpub may eventually open up to the public; however, for purposes of the TIS these uses were considered ancillary to the wedding venue events. If/when these uses do open to the public during the weekday, the applicant must confirm with the Township if an update to the traffic analysis is required.

3. For the Gettysburg Pike driveway, supplemental signage shall be provided indicating that this is a “Service Entrance Only” to limit confusion with the Mansion’s patrons.

4. The applicant must verify the lane configuration inputs at the Grantham Road/Driveway #1 intersections in the capacity analysis.

5. The applicant must verify the volumes were accurately input into the turn lane warrant analysis worksheets.

6. While it will have minimal impact on the TIS results, it is standard practice within District 8-0 to assume a default peak hour factor of 0.90 and 2% heavy vehicle percentage on turning movements at proposed intersections, unless actual data is provided.

7. All PennDOT comments should be addressed to their satisfaction.

**SANITARY SEWER**

8. Sheet No. 4 of 14 – Grading/Utility Plan shall be corrected to show: A lateral/building sewer must be shown serving the Bed & Breakfast/Event Hall conforming to the Township standard building sewer detail drawing. *Note: This is the 3rd request to have this shown. Exemptions are only allowed if the building for which connection is required is more than 350 feet from the sanitary sewer line*. A profile shall also be provided for the building sewer/lateral.

9. Sheet No. 9 of 14 – Profile Plan, shall be corrected to show on the East Entrance Profile: Under the Sanitary Sewer Notes the word ‘Profile’ is spelled incorrectly.

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GENERAL

10. The landscaping plan (Sheet 5) identifies an alternate planting chart, which accounts for only 82 of the plantings. These 82 plantings are required of the Buffer Yard 3 requirements. The chart should also identify the alternatives for the required plantings in the Buffer Yard 1 area, the dumpster area, and the required street trees, to include the total amounts of all types of trees and shrubs to be planted.

ADMINISTRATIVE

11. 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) and Section 245-17.6.D of the Codified Ordinances of Upper Allen Township. Any changes to the road conditions as a result of the HOP shall be identified on the final plan.

12. 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.

13. The applicant must obtain approval of the Erosion and Sediment Control Plan from the Cumberland County Conservation District and furnish to the Township a copy of the required NPDES permit in accordance with the requirements of Section 220-9.C(4)(h), Section 220-27, and Section 214-15.C of the Codified Ordinances of Upper Allen Township.

14. The applicant shall obtain approval of the planning module for new land development or approval of an exemption from the planning requirements from the Township and PA DEP in accordance with the requirements of Section 220-20.A of the Codified Ordinances of Upper Allen Township and pay all applicable application and tapping fees in accordance with the requirements of Section 200-15.D(8) of the Codified Ordinances of Upper Allen Township.

15. The applicant must enter into a Reservation of Capacity (ROC) Agreement with the Township and pay the appropriate ROC fees, or, pay tapping fees for the number of approved EDUs.

16. 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.

17. 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.
18. Any modifications, waivers, and/or deferrals granted by the Board of Commissioners shall be listed on the final plan, including the date in which such action was granted, in accordance with Section 220-10.B(3) of the Codified Ordinances of Upper Allen Township. All deferred improvements shall be shown on final plans as future improvements.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. The applicant must contribute to the Township Recreation Land Acquisition and Improvement Fund through the dedication of a fee in lieu of, in the amount of $14,820.80, in accordance with the requirements of Section 220-28.D(5) of the Codified Ordinances of Upper Allen Township.

25. 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.

26. 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.

27. The applicant shall obtain final water main design approval from Suez Water Company and furnish to the Township an updated design plan.
28. 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.

29. 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.

Regarding condition #2b, Commissioner Cochran commented that it looks like there is consideration to the restaurant being open to the general public. If they are going to open up to a different use, he said he would think they’d have to do a different traffic analysis. Mr. Allen noted that as part of the initial scoping application they submitted the trip generation of how much traffic this development would generate as restaurants. He said there is information within the traffic study to demonstrate that if it was to convert to a restaurant use it would be very similar to a wedding venue. So it would not change with converting it to a restaurant use. He said the brewpub is included in those numbers. He said they have already analyzed the numbers as if both would be open to the public. President Martin questioned whether the brewpub would be a separate set of approvals so the Board could again look at the traffic when it comes up for consideration. Mrs. Boyer confirmed that the Board will have another opportunity to look at it at that time.

Regarding condition #9, Commissioner Cochran questioned what additional fees the applicant pays to be in a special sewer district, and how many EDUs apply to this development. Mr. Cupp said for Grantham, the reimbursement component is $325.06 per EDU. Neither he nor Mr. Murphy could recall the exact number of EDUs involved off hand.

The motion carried unanimously, with the exception of Vice President Castranio, who abstained because he is employed by the applicant’s engineer.

**STARBUCKS UPDATE**

President Martin asked Mr. Reichard about the entrance into Starbucks, noting that it looks like it is more perpendicular at the right in, right out, than angular. A copy of the plan was displayed, and Mrs. Boyer noted that there will be traffic obstacles so traffic on the other lane going toward Market Street can’t make a left hand turn. Commissioner Cochran said he thinks there is no exit there and Vice President Castranio concurred. He said there will be signs posted and other things so cars have to go straight across. Commissioner Cochran commented that they may not have completed removing all the existing pavement at this point. President Martin questioned what the width is supposed to be and Mrs. Boyer said it is a minimum of 12’, but she was unable to see it clearly on the plan. Commissioner Cochran said the drive around appears to be wider than the access and that is what we had asked of them—to make sure it wasn’t wide enough for 2 cars to pass. President Martin questioned whether 12’ is standard for one lane of traffic, and Mrs. Boyer said it is. Vice
President Castranio said during the meetings where this plan was discussed, the Board said they still don’t think what they are doing may be enough, but it’s the best we can do. Commissioner Cochran said the real challenge will be to keep people from going out that way. Commissioner Anderson said she is still concerned about stacking there.

**PLANNING COMMISSION VACANCY**

Mrs. Boyer noted that Phil Cerveny, who has been on the Planning Commission since 2011, is moving out of the area and is resigning from that Board. She said she is in the process of putting a list of interested applicants together and asked Board members and staff to get the word out so we can hopefully get someone appointed next month. Commissioner Anderson said Phil has been very helpful on the board and we should extend a thank you to him for his service. Mrs. Boyer agreed that he has been an excellent board member and will follow up with a formal letter. President Martin commented that Phil is very thorough and does his homework before the meetings.

**PUBLIC IMPROVEMENTS COMMITTEE**

**AUTHORIZATION TO RELEASE FINANCIAL SECURITY FOR BELLE TERRE APARTMENT ADDITION, UAT FILE #18-05-01A**

Staff has received a letter from the developer’s engineer requesting a reduction in the financial security posted for the above-referenced plan. The improvements completed through the date of the request have been inspected, and it has been determined 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 $379,089.15 to guarantee installation of the improvements in this development. As provided in the Municipal Planning Code Section 509(j) and Section 509(f), staff suggests 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 $73,269.15. When all improvements are completed and the developer dedicates the improvements to the Township, and before the Board of Commissioners accepts the dedicated improvements, the developer should be required to post with the Township financial security in an amount equal to 15% of the installation cost of the improvements for a period of 18 months.

Commissioner Cochran made a **MOTION** to reduce the financial security for Belle Terre Apartments, UAT File #18-05-01A from $379,089.15 to $73,269.15. 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, except for Vice President Castranio, who abstained because he is employed by the applicant’s engineer.
PRESENTATION BY TPD ON INSPECTION REPORT FINDINGS ON TROUT RUN BRIDGE ON MILL ROAD

Mr. Fazekas noted that this topic has been discussed twice by the Public Improvements Committee (PI) prior to COVID-19 slowing things down. He said several options were considered and he introduced Craig Mellott, P.E., of TPD (Traffic Planning and Design) to go over those with the Board.

Mr. Mellott said they were first looking at three bridges to evaluate the weight limit prohibitions established at those bridges to determine if they were sufficient. He said the Trout Run bridge on Mill Road, between Grantham and Lisburn Roads, is the topic of discussion tonight. He said the bridge currently has a weight limit of 10 tons and they recommend it be reduced; however, while they were out there they noted that the downstream end of that bridge is in pretty bad condition, with the concrete deteriorating, spalling, and with loose pieces of concrete that look like they will fall off. He said the challenge on top of the bridge is the guide rail that protects cars to keep them from going into the creek. That guide rail is mounted to the bridge deck but right under that area is where the bridge is undermined, so they don’t think it is strong at that point and potentially would not protect a vehicle if hit. He said PennDOT considers this a high priority maintenance issue so TPD informed Mr. Fazekas and he asked them for options, which he provided on a memo dated May 11.

Mr. Mellott said PI also looked at long term solutions. He said the bridge will probably need to be fully replaced at some point, so they looked at rough construction costs. Commissioner Cochran said PI settled on the best option but wants the whole Board to see all five options, noting that obviously at some point we will need to replace it but we don’t have a half million dollars sitting around right now and need time to work it into schedule of improvements. He said the bridge replacement was listed just to show the cost at its upper boundary and what we’d have to set aside. He said Option 1 is the cheapest and not something PI considered strongly, noting that they thought we needed to do something more than that. He asked Mr. Mellott to focus his discussion on Options 2, 3 and 4.

Option 2 – Install Guide Rail Spanning Bridge per PennDOT Standard Drawing RC-51M. Mr. Mellott said the guide rail is at the edge of the bridge, where it is deteriorating. This option allows installation of a new guide rail with no posts going into the bridge deck. The challenge to doing that is that it’s just a rail and you would have to use two or three rails to give it strength. The PennDOT standard for that is 6 feet, so he said we would have to narrow the bridge opening by about 6 feet and take it down to 13 feet total. He reviewed the pros and cons of this option and noted that it would require signs pointing out the narrowing and also that it is a one-lane bridge. He said this plan doesn’t show which side gets the right-of-way but there is an option to assign a priority to one of the approaches and the other would have to yield. Estimated construction cost for Option 2 is $16,000.

Option 3 – Install Temporary Structure Mounted Concrete Barrier. Mr. Mellott said this option is similar to Option 2 but instead of guide rail they would do a concrete barrier or jersey barrier which would be much more rigid and stronger than guide rail. The challenge with this option is that you would have to drill into the existing bridge deck to hold the concrete into place and there are questions about whether the bridge is strong enough to do that. He said with this option you would have to narrow road width down to 17 feet, which is not as narrow as Option 2 but still requires it to
become a one-lane bridge. He said this option costs a bit more and probably would require a formal bidding process. Estimated construction cost for Option 3 is $20,000.

Option 4 – Full Repair of the Fascia Concrete/Curb. Mr. Mellott said Option 4, which has the highest cost, involves going in on the downstream side of the bridge where the concrete is falling apart and removing the loose concrete back to where you find sturdy concrete, and then pouring new concrete and new reinforcement on the bridge deck, and returning the guide rail back into the concrete to maintain 20 feet on the bridge. He said this is the only option that would allow it to remain two lanes of traffic. He said the estimate is $60,000 in construction cost and takes a month to complete, as opposed to about a week for Options 2 or 3. He said their concern is that the condition of the bridge is questionable and the contractor may never get to a spot where they find sturdy concrete to tie into, and then the bridge has to be shut down. He said ideally, this would be the option to maintain two-way traffic, but they are not certain it can be done.

Commissioner Cochran noted that in PI they thought that going with Option 2 would be best short-term bet. It would buy three to four years and allow us to put away money each of those years, and in four years we could replace the bridge. It would be an investment to buy time. Or, he said we could just go with continued inspections if TPD thinks the bridge will last another four years. For the difference in cost, he said it seemed to be more cost-effective to do something that would give us another four years. Vice President Castranio clarified that it wasn’t the issue of the bridge lasting but rather the immediate issue that the guide rail can’t function. He said we have to move it or construct a new bridge, and safety is the concern.

President Martin commented that he is not amused about going to a one-lane bridge, noting that it seems like going backwards. He said he would like to keep it at two lanes. He said he agrees with the recommendation if we want to go with a one-lane bridge, but we could go with Option 4 and buy 10 to 12 years and still have the money to replace it in the future. He said he likes Option 4. Vice President Castranio said one of the cons of Option 4 is if we start that process and can’t find concrete that is structurally sound, then there won’t be traffic using it for years as we have to get a new bridge permitted. President Martin responded that if we got a structural engineer to look at it we could better answer that question. He said we could have a fair degree of certainty of the condition of the concrete before we do anything. He said he favors getting information and feedback as to the condition of the concrete and if we find that it is soft and we can’t get anything solid, then he’s in favor of it. He said he can’t believe we can’t know that before starting construction.

Mr. Mellott commented that structural engineers from TPD did the evaluation and they may have to do more extensive testing and maybe get a contractor involved to hone in on whether they think they can find good concrete. At this level of evaluation and options, he said they didn’t get into that depth of evaluation but they could go further. Regarding the weight limit, Commissioner Anderson asked if it would help the safety issue if we change the weight limit even though we are having some concrete crumbling. Mr. Mellott said the bridge is currently posted for 10 tons and TPD recommends it be reduced to 8 tons. Vice President Castranio said the issue we are addressing with the guide rail is irrespective of the weight limit. He said it helps with the structural integrity of the bridge to decrease the weight limit but it doesn’t address the guiderail issue. If we go with a one-lane bridge, which he is not in favor of, Commissioner Walter asked if we are sure that the traffic count is low enough to turn it into a one-lane bridge. Mr. Mellott said they did discuss this and it
looked like there were roughly 100 cars during peak time, which is probably low enough that it wouldn’t be an issue. He said Vice President Castranio also commented that now that there is a roundabout on Lisburn Road, the hope is that some of the traffic that would use Mill would use Grantham to the roundabout instead.

Regarding the 6-month inspection intervals, Mr. Fazekas asked Mr. Mellott if he is recommending we do those until we do a full replacement. Mr. Mellott said they would have to be done at least until a short-term alternative is implemented, whatever it is. He said the 6-month inspection typically is what PennDOT would do but they wouldn’t do it unless at the same time you were advancing the fix. He said they would want us to be doing something else to be working toward a permanent solution, while inspecting it. He said TPD has the Option 2 design plans done so they could go out to bid. He said they need more work on Option 4. Once they have the necessary information and which Option the Township wants to pursue, he said he thinks they could have it done this year.

President Martin said he would like to see a bona fide analysis of it and if the concrete won’t work to do Option 4, he said he’ll be the first to go to a one-lane bridge, but he thinks we need to go to a firm that is well versed in concrete and structure as opposed to a planner. Commissioner Cochran questioned whether the bridge would be satisfactory even if we made it safe and kept it at two lanes. Vice President Castranio said his original understanding was that we were trying to fix it temporarily because we knew we would put a long-term one in in 5-7 years. President Martin said Option 4 could last 20 years. He said in his opinion the bridge is fine as long as it’s safe and has good guide rails on it, commenting that it is not a highly traveled road. Vice President Castranio said PI likes Option 2 to make it the one-lane with the guide rail, but looking to replace it in 5 years or so, and starting that process. Commissioner Cochran said if we replace the concrete, there might be permitting needed there to work in the stream. Mr. Mellott confirmed that, and said we would need approvals from DEP, as opposed to Options 2 and 3, which won’t require those permits. He said Option 2 could go out to bid next month. Option 4 would require investigation. To clarify for President Martin, he pointed out that TPD does bridge design and bridge inspection work for PennDOT, so they are more than a planning firm. For Option 4 he said they would have to look at the concrete to determine if it is adequate and once that is determined, they would have to go through the approval process, so it would take additional time to get it approved and built.

Commissioner Cochran made a MOTION to proceed with Option 2, SECONDED by Vice President Castranio. Vice President Castranio and Commissioners Anderson, Cochran and Walter voted yes; President Martin voted no. Commissioner Cochran suggested that since we don’t have a large viewership on this that we put the word out that we will temporarily make the bridge one-lane, so people know it is coming before the actual construction starts. He noted that we might have to close traffic altogether while the work goes on. Mr. Mellott recommended that since it is a change, you want to notify people not only of the construction but also that there will be a temporary change for the next several years. President Martin was not in favor of using the word “temporarily” because he said 5 years is a long time. Discussion ensued and consensus was to post information on the website indicating that the one-lane will be in effect until the bridge can be replaced in 3-5 years.
SANITARY SEWER COMMITTEE

CONSIDERATION/AUTHORIZATION TO RELEASE SANITARY SEWER INSTALLATION FINANCIAL SECURITY FOR BELLE TERRE APARTMENTS

On April 2, 2020 the Township received a letter from Alpha Consulting Engineers, Inc. requesting the reduction of the sanitary sewer installation financial security for Belle Terre Apartments. Upper Allen Township is currently holding Irrevocable Standby Letter of Credit (LOC) Number 801741-0002 from Members 1st Federal Credit Union, dated December 7, 2018, in the amount of $29,638.00 to guarantee installation of sanitary sewer improvements in this development.

These improvements are now complete and have been inspected and tested by C. S. Davidson and Township staff. Furthermore, it has been determined that the improvements have been installed in accordance with the approved plans and Township specifications and are functioning as designed. Therefore, the Board of Commissioners is in a position to authorize the release of the installation financial security posted by the Developer upon receipt of record drawings and the required maintenance financial security for the sanitary sewer improvements.

The sanitary sewer maintenance (guarantee) financial security is necessary to insure the integrity and function of the facilities for a period of 18 months and shall be in the amount of $4,041.50, which is equal to 15% of the installation cost of the improvements.

Commissioner Walter made a MOTION to approve the release of the installation financial security for sanitary sewer improvements in connection with Belle Terre Apartments to the developer upon receipt of record drawings and new maintenance financial security in the amount of $4,041.50 to be held for a period of 18 months, SECONDED by Commissioner Anderson. Vice President Castranio said he will abstain because he is employed by the developer’s engineer. President Martin questioned why would this come before the Board if we don’t have the as-builts. Mr. Cupp said sometimes they do and sometimes they don’t. He said it’s a small project. Commissioner Cochran said if our process is to have the as-builts before we approve it, the we shouldn’t vote on it until we have them. Commissioner Cochran made a MOTION to TABLE, SECONDED by Commissioner Walter. The motion carried unanimously, with the exception of Commissioner Castranio, who is employed by the developer’s engineer.

ADMINISTRATIVE COMMITTEE

BUDGET UPDATE

Mr. Fraser summarized the following April 2020 Fiscal Report. After four months, overall General Fund Expenditures have exceeded General Fund Revenues by $570,000 which puts FY 2020 below prior year trends. The major reason for this deviation from historical trends is due to the expenditure of about $1 million for the purchase of the property at 1215 McCormick Road. Net position when the purchase is removed is a positive $441,000 which fits historic trends. YTD 2020 General Fund Revenue is down $1,005,000 when compared to 2019 General Fund Revenue at the same point in the year. A majority of the difference in revenue is from Real Estate Tax, which accounts for $814,000 of the difference. It appears that the real estate tax collection was just delayed, because as
of May 15 an additional $1,679,000 was deposited in Township accounts by the Tax Collector. YTD 2020 Expenditures are up $519,000 when compared to the same period in FY 2019. When correcting for the loan given to the Authority by the General Fund in FY 2019 and the land purchase in FY 2020, General Fund Expenditures are up about $19,000 over the prior year.

For the month of April, General Fund Expenditures (all expenditures plus transfers) of $1,454,000 exceeded General Fund Revenues (Revenues minus Fund Balance) of $1,017,000 by $437,000. The majority of the expenses in April were related to a land purchase, payroll and insurance payments. Most of the revenue collected in April is related to earned income tax and current year real estate taxes. Current EIT numbers are not showing any major impact from global events at this time, but it is reasonable to expect that a negative impact to overall collections is possible. To that end, Mr. Fraser provided a chart showing the impacts of a 10%, 20% and 30% decline on 2020 EIT collections. Based on current numbers and what we are collecting in May, he said we are still on pace for getting close to budget, but he thinks it is reasonable that it may not continue. Commissioner Cochran commented that at worst case with a 30% reduction, we would be about $660,000 under for the straight line budget. Mr. Fraser said the worst year in the last 20 years was 2010 or 2011, and that saw a reduction of 16%. Commissioner Cochran said 30% seems to be a reasonable guestimate for a worst case scenario. Mr. Fraser said he can modify the graph every period and provide it to the Board. He noted that the months we are experiencing now won’t be reflected until the third or fourth quarter.

The Sewer Operating Fund is currently in a net surplus YTD in the amount of $840,000. This position was expected and is a slight increase from March. A decline is expected in May as the Sewer Operating Fund makes debt payments.

At this point in 2020, the Township expenditures are being managed within budgetary constraints. None of Upper Allen Township’s Funds are currently in risk of operating in a deficit; all funds’ revenues (Revenue plus Fund Balance) exceed expenditures.

**CONSIDERATION/ADOPTION OF REAL ESTATE PROPERTY TAX RELIEF RESOLUTION**

Mr. Fazekas prepared a Resolution to provide property owners with real estate property tax relief by extending the deadline to pay the face value from June 30, 2020 to October 31, 2020. If the face value is paid by October 31 the property owner will not have to pay the 10% penalty. Payments made on or after November 1, 2020 will be assessed the 10% penalty. Cumberland County Commissioners have already adopted a similar resolution on April 20, 2020. By adopting this resolution, Mr. Fazekas said it will also make it easier for taxpayers to pay both the County and Township real estate taxes at the same time.

Mr. Fraser displayed information depicting the amount the Township collects in real estate taxes after June 30. He said some people are on payment plans and there are some who don’t pay until the next year, so it is not the best illustration. With the penalty, he said you are looking at between $10,000 and $15,000 lost. President Martin questioned whether we expect that more people could benefit from this, or whether we think the amount of people that will pay late will increase or will they just be taking advantage of it due to COVID. If the latter, he said he is in favor of it, but he
doesn’t want to reward bad behavior for the former. He said if it helps people that are in financial difficulty, he is all for it. Mr. Fazekas commented that this also simplifies the collection for the tax collector.

Commissioner Cochran made a MOTION to adopt Resolution No. 1022, a Resolution of the Board of Commissioners of Upper Allen Township, Cumberland County, Pennsylvania Providing Real Property Tax Relief for the Payment of Township Real Estate Taxes due to the COVID-19 Disaster Emergency. SECONDED by Commissioner Walter. The motion carried unanimously.

**DISCUSSION OF USE OF MUNICIPAL BUILDING AS POLLING PLACE**

President Martin noted that there has been a request to take another voting precinct in our municipal building because of a poll closure, and the Board needs counsel’s advice, so this item will be addressed in Executive Session.

**CONSIDERATION/APPROVAL TO CANCEL JUNE 3, 2020 BOARD OF COMMISSIONERS MEETING**

President Martin said he tends to like the two meetings a month during the pandemic because we don’t currently have as much opportunity to interact. Mrs. Boyer indicated that the May Planning Commission meeting was cancelled so she will not have any plans for Board consideration at the first meeting of the month. She said she has a HARB application, but that decision cannot be heard by the Board before 15 days have passed, which is June 4th. President Martin said it doesn’t sound like there is a lot of business but said if something pandemic-related comes up or a recreation item would have to be discussed, we would have to have the meeting. He said we more than likely will cancel but he will decide in a week or two.

**PARK AND RECREATION COMMITTEE**

President Martin said he added opening of the parks as an item as we move into a “yellow” zone on Friday, May 22. He said some municipalities have taken action to be more or less restrictive and he thought the Board should discuss it. He said the parks are open in terms of walking paths and trails. Playground are closed, and tennis and basketball courts are currently closed. He said there was an informal suggestion to open tennis and basketball courts under “yellow” because it is only usually a handful of people involved. He questioned whether there was a formal request to open fields for soccer and baseball. Mr. Fraser indicated that we received emails from Mr. Marsico, who is in attendance via Zoom.

Commissioner Anderson expressed concern about the sanitation or cleaning of the equipment if we open the playgrounds. Commissioner Cochran said there is another issue and that is restroom facilities. If you look at the highest risk areas you can go into when “red” comes off and “yellow” starts, he said public restrooms are a real issue. He said you want to stay out of them because there is no toilet seat and when you flush a toilet without a seat, you send thousands of microscopic droplets into the air. If the person who used it before you happens to be COVID-positive and the virus is passed through urine and feces, it could throw it all over the inside of your stall and present a
President Martin said it is a shame that we can’t get out and have people active, but Commissioner Cochran said we have allowed that all along as long as it isn’t anything that looks like organized sports. President Martin questioned whether we should make any changes to tennis. Commissioner Anderson said she can support opening the tennis and basketball courts, but Commissioner Cochran said there is physical contact with basketball so that may not be the best thing right now.

Doug Marsico, President of Upper Allen Mechanicsburg Baseball Association, said he is still hopeful to provide the kids with a recreational baseball season this summer. He said he realizes they can’t start until the Governor moves Cumberland County to the “green” phase, but he is cautiously optimistic that it will happen in June since Cumberland County only has .0009% of the County’s population positive. He said he believes they can proceed with recreational baseball and they have a detailed safety program in place to mitigate the spread that meets the CDC guidelines posted on-line. He said the plan was developed by an advisory committee of 10 people, including 2 physicians. He said he believes that children need recreational sports and that they are vital for their health and well-being. He said he believes they can safely be played with minimal risk. He said the children are suffering and he hopes the Township will join with them by providing a recreational sports season, noting that the “yellow” phase allows groups of less than 25 to congregate. He said he is asking the Township to open for use by parents and children, which would be consistent with what Lower Allen Township is doing. He said the Governor announced today that he expects guidelines to be released later. He said at this point we don’t have clarity on “yellow” and they understand that, but they believe having the fields open for parents and their kids to use is safe and in the best interest of the health and well-being of the children. Lastly, he said the PA Recreational and Parks Society, which is not a governmental agency, has released guidelines, which he has read. He said they are overly restrictive and inconsistent with the law and he asked the Board not to give them much weight. He said they contradict the Governor’s plan and provide that even in “green” you can’t have a group setting of more than 25, which would make playing baseball or soccer impossible and detrimental to
the kids. He said they are having all parents sign a release prepared by their insurance carrier and they have surveyed the parents, and at this point only about 15% of the total registration has decided to opt out of the season. At this point he said they believe opening the baseball and soccer fields and other open space just to allow them to get out on the field among themselves and with their parents is in the best interest of the community.

Commissioner Cochran noted that Mr. Fraser researched surrounding municipalities and we understand that Hampden Township and Mechanicsburg Borough are currently not allowing it. He said our understanding is that Lower Allen Township allows picnics but won’t allow any organized games at this time. Mr. Marsico said they not asking for organized team practices, just asking that the fields be open so they can use them on their own and with their parents. He said he understands that the Board is not in a position to give approval for organized practices. He said he is at Fisher park almost every day and while the baseball fields are not being used for the most part, the kids are down there using open space, and using the basketball courts and the tennis courts. He said just allowing the open space and fields to be open for use is very reasonable. He said they understand they can’t do anything organized unless the Governor releases something new. They just want the fields to be available to parents and children. President Martin said we already allow use of the open spaces. He said he wants to make sure Mr. Marsico’s repeated comments about parents using the fields is not about scheduled practices, and that there would be no coaches involved. Mr. Marsico said they aren’t going to schedule practices; however, he said obviously some parents are coaches. He said the fields are currently posted as closed although he has seen kids using them. President Martin said if someone is using the field at this point, he doesn’t think it is consistent with the current status. Mr. Fraser said the baseball and softball fields are closed, and soccer fields are open for Frisbee or other open space types of activities, but not soccer. Commissioner Walter questioned if we would hassle a family out there with a baseball and glove playing around in a soccer field. Mr. Fraser said we would not, noting that if people want to use the soccer fields for that or any other properly spaced recreational activity, there is no enforcement. Commissioner Walter noted that he deals with his two grandchildren and said we have to allow recreation for our children. He said it is a pet peeve with him because he’s in the middle of it, but as long as there is nothing organized he thinks we have to allow parents to use our facilities to give our kids exercise. Commissioner Cochran said the soccer fields are open for such things. He said the question now is do we open up fields that are typically only used in an organized fashion. President Martin said Commissioner Cochran’s comment is well-stated and captures the essence of the issue.

Commissioner Anderson said she is concerned about a neighborhood getting their kids together for a pickup game where you could end up with more than 25 kids, for example. She said she would hate to see us tell certain ones they can’t be there. She said she understands we have to get them out, but we have restrictions. She said it is a tough decision, being afraid the groups will not keep to family necessarily. Mr. Marsico said the “yellow” phase specifically allows for groups of 25 or less, and he doesn’t think you’ll see that many at the field, and if that is the case they should be kicked off. He said that would take organization and said he is not asking for that at this point, but is just asking on behalf of the kids in the community that they can use the ball fields as long as they abide by the 25 or less rule. He said 25 is a large group and could be monitored.

Commissioner Cochran said if Governor Wolf has promised us better direction, he personally would like to hear what he has to say before we do something other than what is happening around us. He
said we have a very good relationship with the state and have gotten grants and improved our parks a lot with them, and he doesn’t want to fall on the wrong side of them. He said Dr. Levine has been very clear in saying there should be no organized sports and he doesn’t think it’s a big deal if we wait. Commissioner Walter said we need to wait for more guidance to have organized sports, but he disagrees that just having the ball fields open is considered an organized sport. He said he would include ballfield discussions the same as tennis and basketball court discussions. President Martin said he likes Commissioner Cochran’s suggestion to wait. He said we allow small groups to use the soccer fields for throwing a ball. He suggested keeping the baseball and softball fields closed and allowing people to use the soccer fields for those things while we wait to see what happens, and then the Board could address it again at our first meeting in June. He said he finds it curious that the Baseball Association is strongly advocating to open up the fields for parents and children and he thinks a good test would be to see how it works out in the open space before we open up all the fields, because once we open them, it will be hard to pull it back. Commissioner Anderson said she has no problem if it’s family because they already live together, but trying to explain to kids that they can’t touch each other if they aren’t family will be very interesting. She said she’s in favor of getting the parks open, commenting that we have too much invested in them and our constituents need to be able to use them, but we have to be careful and do it on the safe side. She said she would like to hear Governor Wolf’s details so we have a better idea.

Vice President Castranio said if we are allowing small families to practice or do whatever on the soccer fields, he thinks everything should be open in the same manner and not just because we think an organized sport might use it. He said he thinks we should open them in “yellow” and let baseball and softball use them. Mr. Marsico said he can quite easily relay that to the people that would use them. He said for the most part the community has done a pretty good job with that. He said he is the one people look for and ask, as President, when they can start and whether they can at least use the fields informally with their kids. He said that’s why he’s taking that approach. He said he is just speaking on behalf of those who are registered and voicing their frustrations that they want to get out of the house and use the fields with their kids. Mr. Fraser said we are prepared to deploy signage on Friday and will be using the website and social media platforms to announce any new developments. President Martin questioned whether it would be beneficial for us to take the same stance as the Borough so we are consistent, whatever that is. Commissioner Walter questioned what their stance is, and Mr. Fraser said they have no intention of opening the fields for organized play. Commissioner Walter asked if they are open if someone wants to just stop by and use the baseball diamond. Mr. Fraser was not sure, but said the Borough will keep their bathrooms closed and is bringing in additional portapotties for the expected additional usage. Commissioner Cochran said he lives a block from Koser Park in the Borough, and all the playgrounds are closed but he sees kids playing on the equipment. He said he hasn’t seen anyone playing baseball but sees people playing catch, but never more than 3 or 4 people on a field at one time. President Martin said the Borough Manager noted an incident of a ball club on one of the fields but that was before they took action. Mr. Marsio said it was a group of dads that got their kids together, but wasn’t anything organized. He said he hadn’t approached the Borough yet, noting that he wanted to work through Upper Allen first for use of fields for families, and then approach the Borough at their next meeting.

President Martin questioned whether we could do it gradually and have the open space open for small groups or family groups first until we get more clarity from the Governor and from the County, and revisit it on June 3. He said it would at least allow some opening of the facilities.
Commissioner Anderson asked about the status of the pavilions, and Mr. Fraser said they are still closed. He said the Borough is not renting theirs out, and we are also taking that position. He said they are open for free picnicking, but if you take reservations, you are looking at parties, which is not what we want. He said the restrooms are closed also, noting that we would have to clean them hourly if opened.

Mr. Marsico said if President Martin is suggesting that families could use the soccer fields for baseball, there is a safety concern there. He said obviously, with a baseball field, you have a backstop and the fields are contained. He said he is not so sure the soccer folks necessarily want kids running around on their fields hitting baseballs. He said a lot of the baseball fields are dirt and the kids won’t be tearing up the turf like they would on a soccer field. As a compromise to satisfy some of the families, he suggested limiting the number of people to no more than 8 or 6, for example, on the field at a time. He said you can distance 6 or 8 kids pretty well. He said something could be crafted to avoid what he thinks the Board is concerned about, which is a large group that would look like a practice that is organized. He said if you really want to avoid the organized aspect, just put a low number on the use of a field at one time. President Martin questioned who will monitor and enforce it, and Mr. Marsico questioned who monitors it now, when kids aren’t supposed to be on the field. President Martin said it could be anyone that would notice it. Mr. Marsico said the Baseball Association has enough board members that live close enough to the field that could keep an eye on it and tell people to get off if there are too many.

President Martin said he thinks this is a request from the Baseball Association, since soccer and softball have made their decision. He said he strongly suggests that we keep the pavilions closed to rentals, and keep the restrooms closed and use portapotties. Commissioner Anderson was not in favor of portapotties, but President Martin said if the restrooms are open then staff has an obligation to clean them. He said you enter a portapotty at your own risk. Commissioner Cochran again said he wants to see what the Governor comes out with this week and then make a determination. He said he doesn’t want the state angry at us. He said he understands we want to save the season for organized sports if we can but he said Dr. Levine was very clear and he doesn’t want to appear to be flaunting what she said. President Martin said we have been recipients of a lot of grant money from the state. Commissioner Cochran recommended leaving things as is and addressing it again at the first June meeting and making a decision then after we have gotten additional information. Commissioner Anderson encouraged people to give their input in writing. President Martin said that approach would be more consistent with Vice President Castranio’s comments that we open everything at once. But Vice President Castranio said he thinks we should open the fields now and keep the pavilions and restrooms closed, and Commissioner Walter agreed with him.

Scott Steffan was in attendance via Zoom. He said the clarification the Baseball Association is trying to get with them versus the soccer fields is that there is nothing on the soccer fields that says they are closed, whereas baseball fields are posted that they are closed. As a citizen he said he thinks it means they are not permitted on the fields and if he went on them someone would ask him why he was there. He said perhaps they are asking if the “fields closed” signs could be removed so there isn’t a question of whether you are now allowed on the field. President Martin responded that Mr. Steffan’s interpretation is correct that we have signs that the fields are closed, but he said the open space is not closed. Mr. Steffan then asked if that means no use of the batting cages by any individual, and Mr. Fraser said it does because it was hard to distinguish the two.
President Martin commented that this is not an easy decision for any of us from a Board of Commissioners standpoint. He said he thinks the proposal on the table at the moment is that we continue with the situation as it is for another two weeks and then bring it up again at next Board meeting. Commissioner Cochran said Vice President Castranio and Commissioner Walter would like to take down the closed fields signs and keep the facilities closed, and he and President Martin are more for wanting to wait until we see what the Governor says. Commissioner Anderson said her concern is that if on Friday, for example, the Governor comes out with something more explanatory and it means we would be much more comfortable with going ahead and opening the fields, then she has a problem waiting for two weeks; however, President Martin aid there is a provision to call a special meeting if needed.

Mr. Marsico commented that parts of Pennsylvania are being moved to the “yellow” phase on Friday, so why not follow that which gives approval for more liberties with the use of parks, he assumes, and allows for more people congregating. Even though the County is moving to “yellow” he said the Board still wants to wait. He said he thinks it’s appropriate to make a decision now to at least take the “fields closed” signs down and allow the public to make better use of the baseball and softball fields. He said after the Governor comes down with whatever guidelines he comes up with, that may then allow baseball and soccer and other sports to do something organized in accordance with his guidelines. He said he thinks the “yellow” designation for Friday is appropriate for the Township to at least open the fields to unorganized use, which is all they are advocating for tonight. President Martin said he is not confident that we have enough resources in the Township to monitor the fields consistently for the weekend until we have more clarity on what we can and can’t do, so he doesn’t share that viewpoint. Commissioner Cochran said he is fine with an emergency meeting to vote accordingly. Vice President Castranio questioned why the Board would need a meeting if it’s a policy change, but other Board members said they did vote on it. Commissioner Anderson suggested voting on it now, pending the Governor’s decision, but President Martin said we can make a decision at a Zoom meeting that can be quickly called. Commissioner Cochran said he would agree with Commissioner Anderson if he felt confident that the Governor would be clear, but said let’s wait and then move quickly to change it.

Ken Mark, of 304 Berkshire Road, said he came to the meeting late and requested clarity as to whether he can go to the batting cage with his two grandsons and hit. He said he thinks he is hearing that they could go on the field and take infield practice. Vice President Castranio responded that the fields are closed and that is what Board members are discussing right now. Commissioner Cochran said if he wants to take them to an open field the Township owns and play catch, he is welcome to do that. He said Winding Hills park has some great open fields. Mr. Mark said both of his grandsons hit and throw too hard and he wouldn’t be comfortable doing that. He said the problem is there’s no backstop and that’s the difference between being on a ball field and not being on one.

Jeff Herman, of 1512 Zestar Drive, said he walks his dogs through Winding Hills park every day. He said it sounds like the concern comes from who will police the numbers, but he questioned who will police the fields if they are closed or not. He said he doesn’t follow the logic behind it. Commissioner Cochran said when the fields are closed, there are a number of people who simply don’t come out. Once you open them up he said it is very difficult to regulate how many people are on them. Mr. Herman said you have two parks at Winding Hills that are very close to
neighborhoods, and probably the other ones are too. He said he sees neighborhood kids all the time walking through the field and playing in it. He said there was a pop-up dog park in the baseball field one day. He said he doesn’t know the harm in opening up the baseball fields as opposed to the open fields. President Martin said the thought is that when you open the fields, it connotes a larger group and more participation. Mr. Herman said if you are saying you can use a large open field as opposed to a baseball field, you could have an even larger gathering in that large open space than on a baseball field. Commissioner Cochran said he doesn’t want to give the impression that we are encouraging organized sports and if the Governor says we can do it, then he wants to do it right away. But he said we will need a lot more money to develop the farm we just bought as park space, and hopefully we can get it from the state and he doesn’t want to jeopardize that by doing things we aren’t supposed to do. President Martin agreed that we stand to jeopardize a lot of good will with the state if we violate their orders.

President Martin said it was a good discussion and he thanked all the citizens and baseball folks that spoke. He said that’s what governance is all about. He said all can tell from the conversation that it is a tough decision among the Board of Commissioners. He said opening everything up is one proposal and the other is to remain status quo until we get clarity from Governor Wolf and other state officials, and then make a decision. Commissioner Anderson said after we hear what the state decides, the Board should reevaluate it because if they say no to organized sports then we have to evaluate if we want to open the fields or not. She said as soon as we hear something from Governor Wolf, whether it is Friday or Monday or whenever, we need to take another look, so she is in favor of keeping it as is for now and acting quickly as soon as we receive more information. President Martin polled the Board again as to whether they are in favor of Plan A, which is to open the fields tonight, or Plan B, which is status quo with the ability to make adjustments as we receive information. The vote was as follows:

Commissioner Cochran – Plan B
Commissioner Anderson – Plan B
Commissioner Walter – Plan A
Vice President Castranio – Plan A
President Martin – Plan B

President Martin noted that the Board will continue with the status quo until we hear more clarity from Governor Wolf, with the idea of being nimble and making adjustments. Commissioner Walter commented that during this whole discussion he has been staring at the provisions for “yellow” and he sees nothing that says anything about what fields can be opened. He said only organized sports are mentioned and he thinks we are doing a disservice to the community by not opening the fields. President Martin said we will be open and communicative and available to make changes as we receive more information.

Commissioner Anderson commented that we don’t know at this point if Messiah College will permit parking for tubers and kayakers at the College. If they close completely she said we will have issues with our two creek accesses and may need to do research on that. President Martin said right now the campus is totally closed and Commissioner Walter said it has created a problem with people parking along the road at Simpson. He said there are temporary no parking signs on the Monaghan Township side of the park. President Martin asked Chief Adams to think about a response.
Commissioner Anderson suggested contacting Kathy Shaffer at the College for the status. Mr. Fraser said he will contact her. He noted that they are very much on lockdown right now. Commissioner Walter said the last conversation he had with Mrs. Shaffer, she said they are on total lockdown and they don’t feel they will open it back up until we go “green,” but he still suggested calling her to confirm.

**PARK & REC BOARD TOUR OF 1215 McCORMICK ROAD**

Mr. Fraser noted that Park & Rec Board members will tour the 1215 McCormick Road property tomorrow at separate times, focusing on proper social distancing and mask wearing. The Park & Rec Board meeting will be held Wednesday, May 27 via Zoom with an update on current projects.

**MISCELLANEOUS**

There were no items for discussion.

**SOLICITOR UPDATE**

There were no items for discussion.

**TAX COLLECTION COMMITTEE UPDATE**

There were no items for discussion.

**CAPITAL REGION COG UPDATE**

President Martin said there was no meeting in May. COG is expecting to have their June 15 meeting. He noted that the annual auction is still scheduled to take place.

**MUNICIPAL ADVISORY BOARD (MAB) UPDATE**

There was no report.

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

There was no report.

**PUBLIC COMMENT**

Mike Bowman, of 2218 Canterbury Drive, said he lives at the bottom of Canterbury and his property bumps up against the retention pond. He said he noticed a surveyor there last week and is curious why, and asked for an update about what is going on in that area. Mr. Fazekas responded that the Township has an NPDES permit through Cumberland County and DEP for stormwater projects. He said we are at a point where the only projects we have remaining are creek encroachments that will take several years to get approved. He said the retention basin in Canterbury, which is dedicated to
the Township, is not functioning properly and we are having it looked at in anticipation of possibly converting it to a water quality basin, similar to the one in Meadowview. He said we are also doing one in front of the Township building, one at Friendship Park, and a third one at Lisburn Road and Gettysburg Pike. He said we had the property surveyed because we want to understand where clear boundaries are for that retention basin. Mr. Bowman asked if the homeowners will have any input and wondered how they will be kept informed. Mr. Fazekas said the Township’s engineer will do an initial design and we can put out some information once we know what we are looking at. Right now he said the water just flows through the basin and it doesn’t retain any of it. At a minimum, he said we will fix it so it does retain the water. He said we have had issues with flooding over the years and we must fix it to minimize the flooding that is caused by it not working correctly. President Martin noted that any discussions would be through the Stormwater Authority that meets the 3rd Wednesday of the month at 6 p.m. He told Mr. Bowman to keep an eye on those public meeting agendas because he can give input at those meetings.

Jeff Herman, of 1512 Zestar Drive in Orchard Glen, who spoke earlier during the discussion on whether or not to open the baseball and softball fields, clarified that he is not affiliated with the Baseball Association. He said he just lives by a park and sees people using it. He said the reason he is in attendance at this meeting is the issues he has encountered in getting a permit approved for a fence. He said he has a clarification point he wants Board’s opinion on. Mr. Herman said he is being told the back 20 feet of his property is a planting zone and therefore he can’t put a fence there, and he is curious why. Mrs. Boyer gave the background on Mr. Herman’s issue. She said staff has been working with Mr. Herman for a month. Zoning Officer Mike Welt visited the property and there have been numerous conversations in email and by phone to talk about the planting strip. In accordance with the PRD requirements, one of the conditions of approval states that no structures or buildings can be placed less than 50 feet from the property lines of the development, and a 20-foot-wide planting strip shall be planted along the boundary, and final plans shall be labeled accordingly. She said when they look at that, it says to them that the 20-foot planting strip shall be along the tract boundary. She said it will be essentially the same as a vegetative strip. She said staff has conveyed to Mr. Herman that a fence is a structure and this is how it has been consistently applied with other PRD developments, and other residents have had to move their fences. She said we don’t allow sheds, pools, patios, or any type of structure in the planting easement, and a fence is a structure. She said she and Mr. Welt have had several conversations with Mr. Herman about it and basically since it falls under the Zoning Ordinance and he doesn’t agree with staff’s interpretation, it falls under the Zoning Hearing Board (ZHB) to make a determination as to whether the ordinance is being applied correctly or not, and staff has conveyed that to him. Mrs. Boyer said the initial permit was denied for that reason when he applied, and he just submitted a new application that shows the fence outside the planting strip, and that permit was approved.

President Martin asked Mr. Herman if he understands the procedure through the ZHB and if he is happy with the permit he got. Mr. Herman responded that he does understand it, and he is not happy with his current permit and is not happy to pay $400 to have a fence approved when there is no guarantee it will be approved. He said he currently has a farmer’s fence on the back of his property already, which he was told is grandfathered. He said if his neighbor to his rear was to put in the fence, because he’s not in a PRD he can go up to the boundary of that lot. He said he is confused because a planting strip is not defined and staff is treating it as some kind of easement, which it is not. He said he doesn’t see how you can assume, and apply something to something that’s not
defined when there’s no causation for it. He said in every other township with older neighborhoods, people have fences around their property. He said he understands he can’t put a fence where someone needs access to it, like a swale, but no one will need access to his planting strip. He said he is just trying to make his yard look nicer and to offer a better area for his dogs to run around in, and if he can’t get this cleared up, then if he fences in his yard with an aluminum fence, he would cut the yard in half.

Commissioner Cochran noted that he has the same issue, but when he bought the lot he researched and recognized that he actually has a drainage easement across the back of his yard, so he had to fence in a smaller area. He said a PRD gets to go around a lot of Township ordinances, but in return for that they have to make certain guarantees, and one of Orchard Glen’s is this vegetative strip that will separate it from the neighbors. He said it is something Mr. Herman should have looked at before he bought the lot. He said his neighbor has a fence right up to the back of his yard too but once he did research on his lot he learned of the drainage easement. He said in order to get the PRD approved by the Township, the developer had to get certain guarantees, and the people in Flintlock Ridge wanted a vegetative easement (or planting strip) between them and the PRD. Mr. Herman said there still is nothing in the ordinance that says a fence can’t go in either a vegetative easement or a planting strip. He said a fence can’t go in a drainage easement but nowhere does it say a fence can’t go in a vegetative easement or planting strip. He said no one has been able to provide that. Mrs. Boyer said a planting strip is not defined, but Zoning Ordinances tell you what can be done and nothing says things other than plants or shrubs can be put in this easement, so by default it is not allowed. She said she also had to look at the PRD decision that says the 20-foot planting strip must be there. Based on the language written in the Ordinance and the PRD decision, she said staff views this as only allowing vegetative plantings to go in. She said we are at a point where Mr. Herman and staff agree to disagree, and staff has also looked at how we applied the Ordinance in the past to make sure it has not been interpreted differently over time. She said they talked briefly on how the ZHB process works and she realizes that $400 isn’t just a small amount of money, but it is collected to cover expenses for advertising, posting properties, stenographer fees, and review time, and sometimes we have gone over the costs with that $400. She said this is the bare minimum to cover costs the Township has to incur to follow the rules, and attorney fees are on top of that. She said they are all legitimate fees. Mr. Herman then urged the Board to reevaluate the process or reevaluate the wording that pertains to what he is asking as per what a planting strip is and how it is defined. He said to him it is an assumption and not what should be done in that situation. He said when looking at where a fence can go in the Ordinances it says nothing about a planting strip. He said there is no clear identification that a fence cannot go in a planting strip.

President Martin said things are different in a PRD and staff have tried to apply it consistently over the years and they are not treating him differently than others. He said we do have an appeal process where you can go through a quasi-judicial process for relief. Vice President Castranio commented than another option is to amend the Ordinance, but he said Mr. Herman might not like the answer to that either. Mrs. Boyer said staff did explain that process to Mr. Herman, but advised him first to go get an interpretation at the ZHB, noting that it is cheaper than an ordinance amendment, which starts at $800, and by the time we hold hearings and all other reviews he could be looking at 3 months later if he petitions the Board for a zoning amendment. She said it is his decision which route he goes. Commissioner Anderson noted that the state sets the fees for the ZHB, not the Township.
President Martin said the options are to abide by the permit in hand, go before the ZHB for an interpretation, or present a petition to amend the ordinance to the Board of Commissioners. Mr. Herman thanked them for their time. He said it is very unclear what can and can’t be done in a planting strip, and he is not in a position to take a $400 gamble. He said he understands that it’s not something that is applied willy nilly but that it’s a state process. President Martin said we try to apply the regulations consistently to all residents. Mr. Herman said he is disappointed in the process, but acknowledged that nothing can be done.

**EXECUTIVE SESSION**

President Martin recessed the regulation meeting to Executive Session at 9:43 p.m. to discuss an item of potential litigation

**ADJOURNMENT**

President Martin reconvened and adjourned the regular meeting at 10:15 p.m.