

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

SPECIAL MEETING

JANUARY 7, 2008

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

John T. Titzel
Lloyd W. Bucher
Peddrick M. Young, Sr.
H. Edward Black
Dan Christ

TOWNSHIP PERSONNEL

Thomas Vernau, Manager
Jan Faust, Assistant Manager
Daniel Flint, Community Development
Nancy Dietel, Finance Director
John Eby, Planning and Zoning Coordinator
Frank Williamson, Chief of Police/
Public Safety Director
Christopher Yohn, EMS Captain
Danna Lutes, Township Secretary
Donna Paul, Community and Human
Resources Specialist
Steven P. Miner, Solicitor
Trudy Metzler, Recording Secretary

Danna Lutes, Township Secretary, called to order the Special Meeting of the Board of Commissioners of Lower Allen Township to order at 7:30 p.m. followed by an opening prayer and the Pledge of Allegiance. She announced Proof of Publication was available for review.

SWEARING-IN OF NEWLY ELECTED OFFICIALS

Justice Michael Eakin swore-in the following newly elected officials:

John T. Tizel – Township Commissioner
Lloyd W. Bucher – Township Commissioner
H. Edward Black, Township Commissioner
Peddrick M. Young, Sr. – Township Commissioner
Barbara J. Kocher – Township Assessor

NOMINATION AND ELECTION OF PRESIDENT OF THE BOARD OF COMMISSIONERS

Commissioner CHRIST nominated John T. Titzel for President of the Board of Commissioners. Commissioner BUCHER seconded the motion. Nominations were closed. Motion carried 5-0.

NOMINATION AND ELECTION OF VICE-PREPSIDENT OF THE BOARD OF COMMISSIONERS

Commissioner YOUNG nominated Lloyd W. Bucher for Vice-President of the Board of Commissioners. Commissioner BLACK seconded the motion. Nominations were closed. Motion carried 5-0.

APPOINTMENTS/REAPPOINTMENTS

Appoint John M. Eby as Township Zoning Officer

Commissioner BLACK moved to appoint John M. Eby as Township Zoning Officer. Commissioner CHRIST seconded the motion. Motion carried 5-0.

Appoint Raymond Allen, Daniel Flint, Linda Hockenberry, Richard Lehigh, Mark Richter, and David Yount as Assistant Township Zoning Officers

Commissioner CHRIST moved to appoint Raymond Allen, Daniel Flint, Linda Hockenberry, Richard Lehigh, Mark Richter, and David Yount as Assistant Township Zoning Officers. Commissioner BLACK seconded the motion. Motion carried 5-0.

Appoint Daniel Flint as Building Codes Official

Vice-President BUCHER moved to appoint Daniel Flint as Building Codes Official. Commissioner BLACK seconded the motion. Motion carried 5-0.

Appoint Raymond Allen, John Eby, Richard Lehigh, Mark Richter, and David Young as Construction Codes Officials

Commissioner YOUNG moved to appoint Raymond Allen, John Eby, Richard Lehigh, Mark Richter, and David Yount as Construction Codes Officials. Commissioner CHRIST seconded the motion. Motion carried 5-0.

SWEARING-IN OF NEWLY APPOINTED OFFICIALS

Justice Michael Eakin swore-in the following newly appointed officials:

John M. Eby, Township Zoning Officer and Construction Code Official
Raymond Allen, Construction Codes Official and Assistant Township Zoning Officer
Daniel Flint, Building Codes Official and Assistant Township Zoning Officer
Linda Hockenberry, Assistant Township Zoning Officer
Richard Lehigh, Construction Code Official and Assistant Township Zoning Officer
Mark Richter, Codes Official and Assistant Township Zoning Officer
David Yount, Construction Codes Official and Assistant Township Zoning Officer

REPRESENTATION ASSIGNMENTS

Commissioner BLACK moved to retain representatives and alternates to the Police Pension Fund Committee, West Shore Tax Bureau, Central Region Council of Government, West Shore Recreation Board, Lower Allen Recreation Board, Lower Allen Planning Commissioner, Lower Allen Sewer Authority, Lower Allen Fire Committee, Lower Allen Police Department, Cumberland County Local Emergency Planning Committee, and the Cleve J. Fredricksen Library. Commissioner YOUNG seconded the motion. Motion carried 5-0.

A copy of the Representation Assignments is made part of the record.

APPOINTMENTS / REAPPOINTMENTS

Commissioner CHRIST moved to approve **Resolution 2008-R-01**, a Resolution of the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania, appointing **Danna S. Lutes as Township Secretary** and appointing **John M. Eby as Assistant Township Secretary** for a two (2) year term and establishing compensation. Commissioner YOUNG seconded the motion. Motion carried 5-0.

Commissioner BLACK moved to approve appointing **Thomas G. Vernau, Jr. as Township Manager** for a two (2) year term. Vice-President BUCHER seconded the motion. Motion carried 5-0.

Commissioner YOUNG moved to approve appointing the firm of **Daley, Zucker, Meilton, Miner & Gingrich, LLC, in the person of Steven P. Miner, as Township Solicitor** at a rate of \$125.00 per hour, with **Kathleen Misturak-Gingrich serving as Alternate**, effective January 1, 2008. Commissioner CHRIST seconded the motion. Motion carried 5-0.

Commissioner BLACK moved to approve appointing **Daniel J. Flint, P.E. as Township Engineer**, effective January 1, 2008. Vice-President BUCHER seconded the motion. Motion carried 5-0.

Commissioner CHRIST moved to approve appointing the firm of **Herbert, Rowland & Grubic, in the person of Albert P. Brulo, P.E., as Consulting Engineer**, effective January 1, 2008. Vice-President BUCHER seconded the motion. Motion carried 5-0.

Commissioner BLACK moved to approve appointing **John M. Eby as Township Sewage Enforcement Officer**, with **Michael Pierich from HRG as Alternate Sewage Enforcement Officer**, effective January 1, 2008. Vice-President BUCHER seconded the motion. Motion carried 5-0.

Commissioner YOUNG moved to approve appointing **Bruce Seagrist to the Lower Allen Township Vacancy Board** for a two year term, effective January 1, 2008. Commissioner CHRIST seconded the motion. Motion carried 5-0.

Commissioner BLACK moved to approve appointing **Burton R. Reisman to the Lower Allen Township Zoning Hearing Board** for term of three years, beginning January 1, 2008. Commissioner YOUNG seconded the motion. Motion carried 5-0.

Commissioner BLACK moved to approve appointing **Robert C. Edwards to the Lower Allen Township Authority** for a term of five years, beginning January 1, 2008. Commissioner CHRIST seconded the motion. Motion carried 5-0.

Commissioner CHRIST moved to approve appointing **Susan Parry to the Lower Allen Township Recreation and Parks Board** for a term of five years, beginning January 1, 2008. Vice-President BUCHER seconded the motion. Motion carried 5-0.

Commissioner BLACK moved to approve appointing **Richard C. Grove to the Lower Allen Township Recreation and Parks Board** for a term of five years, beginning January 1, 2008. Commissioner CHRIST seconded the motion. Motion carried 5-0.

Commissioner YOUNG moved to approve appointing **Terry Lenker to the Lower Allen Township Civil Service Commission** for a term of six years, beginning January 1, 2008, Vice-President BUCHER seconded the motion. Motion carried 5-0.

Commissioner CHRIST moved to approve appointing **Charles T. Greiner as an alternate to the Lower Allen Township Civil Service Commission** for a term of six years, beginning January 1, 2008. Commissioner YOUNG seconded the motion. Motion carried 5-0.

PRESENTATIONS: EMPLOYEE RECOGNITION

The following employees received a Commendation Letter for their extra efforts put forth in the Finance Department while a coworker was on leave:

Beverly Putric
Sue Davis

The following employees received a Commendation Letter for their years of service within the Lower Allen Township Police Department:

Donna Young, 10 years
Matthew Claeys, 5 years
Thomas Gelnett, 15 years

INTRODUCTION OF NEW EMPLOYEE: DIANNA KNISELY, EXECUTIVE ASSISTANT IN PUBLIC SAFETY

Mr. Williamson re-introduced Dianna Knisely to the Board. In 1990 Dianna Knisely was a part-time clerk in the Police Department. Dianna maintained her contacts with the Police Department working evenings part-time and in 2002 became a full-time employee in the Public Safety Department. Approximately 2-1/2 years ago, Dianna decided to go back to part-time following the birth of her daughter. Dianna has agreed to return to full-time status with the Public Safety Department.

AUDIENCE PARTICIPATION: ANY ITEM ON THE AGENDA

President TITZEL asked if anyone in the audience would like to address any item that appears on the Agenda.

There was no response.

APPROVE WARRANTS JOURNAL OF JANUARY 3, 2008

Vice-President BUCHER moved to approve the Warrants Journal of January 3, 2008 in the amount of \$326,439.32. Commissioner CHRIST seconded the motion. Motion carried 5-0.

APPROVE EXECUTING STANDARD STORMWATER FACILITIES AND BEST MANAGEMENT PRACTICES MAINTENANCE AND MONITORING AGREEMENT WITH CAPITAL AREA R. T. ASSOCIATES FOR SLD DOCKET NO. 2007-09, FINAL LAND DEVELOPMENT PLAN FOR OAKWOOD CENTER BUILDING ADDITION

Commissioner YOUNG moved to approve executing the Standard Stormwater Facilities and Best Management Practices Maintenance and Monitoring Agreement with Capitol Area R. T. Associates for SLD Docket No. 2007-09, Final Land Development Plan for Oakwood Center Building Addition. Commissioner CHRIST seconded the motion. Motion carried 4-0-1, Commissioner BLACK abstaining.

APPROVE EXECUTING DEVELOPERS FINANCIAL SECURITY AGREEMENT WITH CAPITAL AREA R. T. ASSOCIATES FOR SLD DOCKET NO. 2007-09, FINAL LAND DEVELOPMENT PLAN FOR OAKWOOD CENTER BUILDING ADDITION, ESTABLISHING A SECURITY AMOUNT AND EXPIRATION DATE

Commissioner CHRIST moved to approve executing the Developers Financial Security Agreement with Capital Area R. T. Associates for SLD Docket No. 2007-09, Final Land Development Plan for Oakwood Center Building Addition, establishing a security amount of \$108,554.07 and an expiration date of January 7, 2009. Vice-President BUCHER seconded the motion. Motion carried 4-0-1, Commissioner BLACK abstaining.

ANY BUSINESS PERTINENT TO THE TOWNSHIP. DISCUSSIONS WILL BE LIMITED TO FIFTEEN (15) MINUTES PER PERSON

President TITZEL asked if anyone in the audience would like to address the Board on any business pertinent to the Township.

There was no response.

ADMINISTRATIVE SERVICES

Discussion RE: Moving Wendy Hayden to Regular Full-time Status, Administrative Clerk in the Community and Human Resources Department

Mrs. Faust advised the Board that she is very pleased with Wendy's progress at the Township. She is doing a great job in the Community and Human Resources Department as Administrative Clerk. Mrs. Faust recommended moving Wendy to regular full-time status.

This will be an agenda item for January 28, 2008.

PUBLIC SAFETY

Approve Moving Corporal Donald Sentman to Full-Time Status

Commissioner YOUNG moved to approve moving Corporal Donald Sentman to regular full-time status, having successfully completed his 12-month probationary period. Commissioner BLACK seconded the motion. Motion carried 5-0.

Discussion: Possible Recognition of Volunteers for their Response to the Winter Storm on December 16, 2007

Mr. Williamson advised the Board that there is interest in giving some kind of recognition to the volunteers for their response to the winter storm on December 16, 2007.

Commissioner BLACK stated that it is entirely appropriate to recognize service that went above and beyond given by the career force and those who volunteered.

Commissioner YOUNG recognized the career force as well as volunteers for a job well done.

Mr. Williamson felt a commendation letter would be appropriate for the career force and a restaurant certificate for each volunteer.

Vice-President BUCHER moved to approve presenting a \$50 gift certificate from one of the Township's restaurants to each volunteer who responded to the ice storm on December 16, 2007. Commissioner YOUNG seconded the motion. Motion carried 5-0.

COMMUNITY DEVELOPMENT

Discussion RE: Zoning Hearing Board Dockets

Mr. Eby advised the Board that the Zoning Hearing Board meets on January 17, 2008.

There is a matter of old business, Docket 2007-11 which is the application of Jody Ryan, 308 Creek Road who hopes to establish a home occupation beauty garage in an existing garage with the addition of parking in the front yard. The State Licensing Board indicated that the location of the bathroom as proposed was not in accordance with the Licensing Board's regulations. The Plan was to be modified by the contractor. Technically, when a Zoning Hearing Board decision is granted it indicates that the applicant should proceed in strict accordance with the plans and testimony. This is slightly deviating from that policy. The Hearing Board, through the Solicitor polling the Board members, has indicated they do not have a problem with the minor bathroom change. This will be an agenda item for the Zoning Hearing Board to ratify that action. Staff did not oppose or support that application.

The new docket to be heard is the application of William R. Grace for a property at 145 South Locust Street, Docket No.2008-01. Most of the buildings have been demolished. The Applicant is proposing to replace a non-conforming use with another non-conforming use. The proposed use is commercial warehouse space, with a very limited accessory office in each tenant space. The correct procedure under the Township's Zoning Ordinance is for an applicant of a property of non-conforming use to ask for a special exception to change one non-conforming use. That is what has occurred. The property has been posted and letters mailed. It is Staff's recommendation that the Solicitor participate to be certain that two sets of criteria are explained and testified properly:

1. Specific criteria for change in non-conforming use. The Ordinance requires that the new use be no more intense in terms of noise, traffic, etc.
2. List of fourteen general criteria in the Zoning Ordinance for special exceptions.

Mr. Eby advised the Board that the Applicant has a right to expect approval if they demonstrate compliance.

Vice-President BUCHER asked if there is still an existing non-conforming use since the buildings have been demolished. Mr. Eby deferred to the Solicitor. Mr. Miner responded that modifications could occur within the timeframe specified by law, which in this case is one year. The Board directed the Solicitor to attend the January 17, 2008 Zoning Hearing Board meeting.

Discussion RE: Phase 1 Environmental Assessment for Township Properties In Preparation for Sale of Properties

Mr. Flint advised the Board that in the process of getting the 1993 Hummel Avenue property and adjoining properties ready for sale, one of the items that normally occurs in the process of the sale of a commercial property is a Phase 1 Environmental Assessment, which is basically a background check on the environmental history of the property. In a normal situation the Assessment is done by the potential buyer as part of their due diligence when they have a sales agreement. Due to the fact that the Township must put the building out for bid, a potential buyer would not have the opportunity to do so since there is no due diligence period. Staff felt it would make the property more attractive if the Township did the Assessment and made the Phase 1 available as part of the sale of the property so the potential buyers would view the information before the sale. The request for proposal has been put out to several firms. The proposals are due January 18 and Staff would be ready to come back with a recommendation at the January 28 regular meeting.

Discussion and Possible Action RE: Request for Text Amendment to the Zoning Ordinance from Vertical Properties, LP to Allow Office Uses in the I-1 General Industrial District

Mr. Eby advised the Board that as of December 31, 2007 an application was received to amend the Township's Zoning Ordinance. It has been docketed as 2008-01, Zoning Ordinance Amendment of Vertical Properties, LP, 4400 Gettysburg Road.

Since December 31, 2007 Vertical Properties has amended its application to clarify that the Applicant is the owner of Vertical Properties LP. A few items in the original submission were modified to clarify their intent.

Vertical Properties owns the old Hart Farm off Slate Hill Road. Vertical Properties is the real estate development entity of Pavex/Liberty Excavators. The interest would be that they want to begin development of the property, which would include an office building. The Applicant would like to build more office space than initially needed. Under the Industrial District the Township's Zoning Ordinance requires that the offices be accessory to the primary uses on the property. The Applicant has proposed a text amendment which would allow a percentage of office space within an accessory office building to be used as lease space. Mr. Eby further advised that normal procedure is for Staff to bring this to the Board at the first available meeting after the application is filed and authorize the Solicitor to prepare an ordinance, however the application is not yet at that point. The scheduling of a hearing date is not appropriate at this time.

Mr. Eby requested the Board consider authorizing Staff to forward the ordinance to Planning agencies. The Applicant has expressed intent to work with Staff and the Township's Planning agency to develop an amendment to allow them to do what they feel they need to do and not enable a proliferation of office space in the Industrial District.

Steve Quigley of H. Edward Black & Associates identified himself to the Board and advised that they are representing Vertical Properties. Mr. Quigley confirmed that Vertical Properties is the developing arm for Pavex/Liberty.

Mr. Quigley explained that as Pavex/Liberty develops the property into a new contracting yard the Applicant wants to bring all its equipment and business currently in York to one central location. The Applicant wants to build an office building, knowing that it would be more than they currently have. Currently they are using 13,000 to 15,000 square-feet. When they move into a new building, it will be somewhere in the 20,000 square-foot range of office space for their use. Over the past 15-years they have been growing at a rate of 5% to 10% per year. Even with today's economy, the Applicant feels they can keep that growth rate going. The Applicant would like to construct a building they can grow into. Mr. Quigley estimated that the Applicant could currently fill 40% of the building and work their way into filling the building over the next couple of years.

Vice-President BUCHER asked Mr. Quigley if the 20,000 square-foot building is all office space or is it entirely equipment, storage, etc. Mr. Quigley responded that the entire 50 acres will be developed over time with a fairly large building that will house the work base or tire shop facilities. The actual office for the shop itself and a large amount of the property will be developed into yards for the equipment, storage of materials, etc. The 20,000 square-foot building is the actual office needed.

Commissioner CHRIST asked for clarification that the percentage proposed for the text ordinance is the percentage of the gross floor area building to be constructed and asked the percentage being proposed. Mr. Quigley responded that 40% of the constructed office building would be used immediately by Pavex/Vertical Properties and (60%) could be leased out as office space for any other office space as chosen by the Applicant. The building is proposed at 50,000 square-feet.

Commissioner YOUNG asked Staff how this proposal compares to office space in I-1 at the present time. Mr. Eby responded that it would be a drastic change in that the district currently allows zero percent (0%) to be non-accessory. One hundred percent (100%) of the office space is on an Industrial-1 tract of land and must be there to support the industrial use of that property. Mr. Eby emphasized that a zoning text amendment is non-specific to a site or any representative plan that might or might not be built and will impact any industrial property in the Township.

President TITZEL asked Staff's position on this text amendment. Mr. Eby responded that it is non-committal at this point due to the fact that the information has just been received. The Applicant's intent is to request the first step be authorized, which is to get the request that they have filed with the Planning Agencies so Staff and Planning Agencies can comment. Mr. Eby emphasized that in their application, the Applicant has indicated a willingness to work with Staff and the Planning Commission to derive something that might be palatable to the Board of Commissioners.

Discussion ensued.

Commissioner CHRIST moved to authorize Staff to work with Vertical Properties LP on their draft amendment to the Zoning Ordinance and to forward their recommendation along to the appropriate Planning Agencies for comment. Vice-President BUCHER seconded the motion. Motion carried 4-0-1, Commissioner BLACK abstaining.

RECESS TO EXECUTIVE SESSION

The Special Meeting of the Board of Commissioners recessed to Executive Session at 8:35 p.m. for discussion on the following personnel and legal matters:

1. Memorandum of Understanding for Chief of Police
2. Solid Waste Contract
3. Appointment of Special Counsel

RECONVENE SPECIAL MEETING OF THE BOARD OF COMMISSIONERS

The Special Meeting of the Board of Commissioners reconvened at 10:00 p.m.

DIRECT STAFF TO CREATE MEMORANDUM OF UNDERSTANDING FOR THE POSITION OF DIRECTOR OF PUBLIC SAFETY

Commissioner YOUNG moved to direct Staff to create a Memorandum of Understanding for the position of Director of Public Safety. Commissioner BLACK seconded the motion. Motion carried 5-0.

OTHER BUSINESS

Commissioner YOUNG commended the Public Safety and Police Department for the recognition afforded them in the Patriot News relative to the Accident Reconstruction Team. The Township has three representatives on that Team and speaks well of the caliber of the Township's police officers.

Mr. Vernau advised the Board that Staff is holding onto the Resolution passed last month for Frank Linn and would like to know if any Commissioner would like to appear at one of Lower Swatara Township's public meetings for presentation of the Resolution. Ms. Lutes will find out Lower Swatara's meeting dates and the Board will be advised. When a date has been selected, a request will be made to be put on Lower Swatara's agenda.

Mrs. Faust advised the Board that preparations are taking place to kick-off the sign project at Yetter Field. Ray Woods has met with Shaffer Signs. Because of the size of the signs, Shaffer Signs is recommending a banner rather than a coreplast sign. The banners will also make storage easier over the winter months. The first banner has been sold to Wachovia Securities and will be used as the mock-up.

Mr. Flint advised the Board that Hempt Bros. had a meeting with DEP regarding getting started on quarry reclamation efforts. Staff has contacted DEP to obtain a copy of the reclamation plan.

Commissioner CHRIST inquired if there was information regarding the fluoride issue. Mr. Vernau responded that research is still being done. Mr. Miner is looking into the permit that was done decades ago. Mr. Vernau is also waiting for Pennsylvania American Water Company to determine who would be in charge of speaking to the Commissioners. He is also awaiting a return call from DEP. Discussion ensued.

ADJOURN

The Regular Meeting of the Board of Commissioners adjourned at 10:15 p.m.

ATTENDANCE REGISTER

An Attendance Register is made part of this record.