

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

FEBRUARY 11, 2008

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

TOWNSHIP PERSONNEL

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

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/
Director of Public Safety
Christopher Yohn, EMS Captain
Rodney Mumma, LAT Fire Chief
Geir Magnusson, Planning Commission
Steven P. Miner, Solicitor
Trudy Metzel, Recording Secretary

President TITZEL called the Regular 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. He announced Proof of Publication was available for review.

President TITZEL acknowledged that many of those in the audience were interested in Liberty Forge. He advised that Liberty Forge would be making a presentation on its proposed ordinance. He emphasized that it is a presentation and not a hearing on the matter. Therefore, questions from the audience would not be taken on what is presented at this meeting as it was the first time the Board of Commissioners has seen it. After the presentation, the Board would decide whether or not to forward the proposed ordinance to the Cumberland Planning Commission and the Lower Allen Township Planning Commission for review and comment. President TITZEL further stated that a public hearing date may be set, if it was the wish of the Board. The public hearing is the venue for the public to express their view in support or opposition of Liberty Forge's proposed ordinance.

APPROVAL OF MINUTES FROM DECEMBER 10, 2007 REGULAR MEETING

Commissioner YOUNG moved approve the Minutes from the December 10, 2007 Regular Meeting of the Board of Commissioners as submitted. Commissioner CHRIST seconded the motion. Motion carried. 4-0-1, Vice-President BUCHER abstaining.

SWEARING-IN OF FRANK E. WILLIAMSON, JR. AS CHIEF OF POLICE

Charles Clement, Magisterial District Judge in Lower Allen Township, administered the Oath of Office to Frank E. Williamson, Jr. as Chief of Police of Lower Allen Township.

SWEARING-IN OF CIVIL SERVICE COMMISSION MEMBERS

Charles Clement, Magisterial District Judge in Lower Allen Township, administered the Oath of Office to Civil Service Commission members Terry L. Lenker and Charles T. Greiner.

PRESENTATION BY LIBERTY FORGE, INC.

Mark Kaplan, Attorney for Liberty Forge, Inc. identified himself to the Board. He also introduced Dennis Glackin, Planner, who has been working on the proposal for several months.

Mr. Kaplan advised the Board that their draft of an ordinance would amend the Township's existing Open Space Development provisions that LF believes would foster open space development in a smart growth manner and improve what is currently in the Township's ordinance but does not seem to have been used for open space preservation development. Mr. Kaplan deferred to Mr. Glackin.

Mr. Glackin stated that the original proposed ordinance was submitted to the Township for consideration approximately ten (10) months ago and has gone through various reviews. Last fall there was a review with a Citizens Panel that resulted in several changes to the ordinance. The ordinance that was presented at the conclusion of that meeting was the November proposed ordinance submittal. The proposed ordinance currently before the Board is essentially the same as the November proposed ordinance. The only difference is that it is being presented as an Overlay District. All the provisions are the same as the November proposal.

Mr. Glackin further stated that the Township's existing ordinance zones the LF property as well as much of this portion of the Township as R2, which allows one (1) unit per gross acre of land. It does not have an open space requirement. Many of the lots that have been developed under the current ordinance are developed based on the availability of on-lot sewer and water, and the one (1) unit per gross acre requirement. Currently there is an open space provision section in the Township's ordinance (220-129). This ordinance was enacted a number of years ago and attempts to preserve open space and provides various provisions to deal with open space. For whatever reason, the open space provision has been used by only one development in the twelve or so years the provision has existed. Mr. Glackin feels that one of the reasons it has not been used is that the provision has the same base density as the R2 development and the bonus provisions are very difficult to use. He further stated that there are additional administrative requirements and some of the open space requirements are unclear. There seems to be no motivation by developers to use the ordinance. In the meantime, land is being developed within the Township and as a result, little open space is being preserved.

Mr. Glackin further expressed his opinion that without some type of change, the Township will continue to have sprawl-type development, which is unsustainable both environmentally and fiscally.

In November, LF presented to the Board a plan called the Lisburn Road Build-out Plan. Mr. Glackin reviewed how development could occur under the existing ordinance, as well as under the proposed ordinance. Mr. Glackin explained that proposed ordinance was designed to improve the present provision. It includes allowable density of 5 to 6 units per acre and a minimum of 35% required open space with achievable incentives to reach 50% open space. At 50% open space, 66% of that would have to be developed as active recreational land. It proposes the use of higher buildings to obtain more open space and would only be useable on sites over 75-acres. The open space would present no burden to the Township. It would only be dedicated if the Commissioners so wished. Typically it would be deed restricted in perpetuity as private open space. In Liberty Forge's case, it would enable the golf course and youth camps to remain as well as other outdoor activities on the property such as the charity golf programs, the gardens, canoeing, rafting, fishing, and the golf academy. The proposed ordinance would better preserve the meadow features in the Township, such as woods, streams, valleys, and natural beauty of the area.

Mr. Glackin advised the Board that the proposed housing site would have less school-age children than single-family development which would result in a better fiscal benefit to the Township and the West Shore School District.

Mr. Glackin reviewed how development could occur if everyone availed themselves of the proposed ordinance, as well as the Liberty Forge plan.

In conclusion, Mr. Glackin stated that the proposed ordinance represents smart growth, not sprawl, preserves open space, help maintain and retain the golf course, and would bring public water to an area of the Township that does not have public water. It's an ordinance that ensures the preservation of open space.

Mr. Glackin requested the proposed ordinance be referred to the planning commissions for review at their next available meetings and hopefully set a date for a public hearing as soon as possible.

Mr. Glackin thanked the Board for its time.

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.

CONSENT AGENDA

President TITZEL advised that any Commissioner, Staff member or anyone in attendance could request any item on the Consent Agenda be removed for further discussion and asked if there was any request for the removal of any item(s) on the Consent Agenda.

There was no response.

Commissioner CHRIST moved to approve the items on the Consent agenda, those items being:

1. Warrants Journal of January 31, 2008 in the amount of \$777,038.28. A Manual Checklist for the month of January was in the amount of \$825,864.78.
2. SLD Docket No. 2007-12, Final Land Development for Linlo Properties III, L.P., 1215 Manor Drive, contingent upon the following:
 - a. Erosion and Sediment Pollution Control approval by Cumberland County Conservation District.
 - b. Executing the Developers Agreement and providing financial security for improvements.
 - c. Executing the Standard Stormwater Management Facilities and BMP Maintenance and Monitoring Agreement.
3. Reduction in financial security for SLD Docket No. 96-32, Final Subdivision Plan for United Methodist Home for Children, Lots 11, A, B and C, establishing a new amount of \$25,751.00 and a new expiration date of February 11, 2009.
4. Approve Application for Payment #9 from Herre Bros., Inc. in the amount of \$127,041.08.
5. Payment of Application #10 to Silvertip, Inc. for HVAC Construction in the amount of \$42,818.40 for the Municipal Services Center.
6. Payment of Application #10 to Silvertip, Inc. for Plumbing Construction in the amount of \$67,919.07 for the Municipal Services Center.
7. Payment of Application #1 to Secco, Inc. for Telephone/Data Cabling in the amount of \$35,328.00 for the Municipal Services Center.
8. Approve Payment Application #11 for eciConstruction, LLC in the amount of \$551,913.54.

Commissioner YOUNG seconded the motion. Motion carried 5-0.

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.

Janie Gunn inquired if the new zoning proposal by Liberty Forge is not different enough from their previous proposal to require a separate application and why it requires a new public hearing and a new submission to the Planning Commissions. Mr. Miner stated that the previous public hearing was not closed but there have been substantial revisions to the ordinance since that time so another hearing is needed to permit the public can hear and comment what changes have been made. The proposed ordinance has not been changed drastically enough to require a new application.

Ms. Gunn inquired if the work and recommendations of the Citizens Panel meetings last fall would be presented to Lower Allen Township's Planning Commission along with Liberty Forge's revised overlay.

Mr. Vernau stated that the work of the Citizens Committee would go to the Commissions prior to the public hearing. The Planning Commission would be made aware of its existence and it would be made available to the Planning Commission if requested.

APPROVE AUTHORIZING STAFF TO PREPARE AN ORDINANCE TO SEND TO THE PLANNING COMMISSIONS ON LIBERTY FORGE'S CONSERVATION PARK OVERLAY APPLICATION

Commissioner BLACK moved to approve authorizing staff to prepare an ordinance to send to the Planning Commissions on Liberty Forge's Conservation Park Overlay application and asking the Planning Commissions to go through their usual review process with the following specific charges:

1. Specifically address the requirement for public sewer and public water.
2. Specifically address the minimum tract size.
3. Define the screening ability of screening that is referenced in the ordinances.
4. Specific recommendation regarding traffic.
5. Specific recommendation regarding maximum building height.
6. Specific recommendation regarding bonus density.
7. Specific recommendation regarding the overall impervious coverage of the proposed Conservation Park.

8. Specific recommendation regarding front yard depth.
9. Specific recommendation regarding encroachments into setbacks, such as unenclosed porches, decks, patios, etc., as well as encroachments by chimneys, roof overhangs, rain gutters, etc.
10. Specific recommendation regarding detached accessory buildings in side yards.
11. Specific thoughts and recommendations as to the type of materials on the units that would be in the development. Commissioner BLACK acknowledged that aesthetics cannot be completely controlled.
12. Specific recommendation as to whether the common open space may be used by the general public.
13. Specific recommendation as to whether non-residential facilities within the proposed development would be available to the public.
14. Specific recommendation as to whether multi-family dwelling units, if permitted in the Liberty Forge development, would be allowed to be occupied by other than age restricted.
15. Specific recommendation regarding the possible placement of a continuing care facility within the Liberty Forge development.
16. Specific recommendation as to street design. It has been stated that the streets will remain private. Commissioner BLACK would like specific recommendation if the streets should be designed to public street criteria.
17. Specific recommendation as to the utilization of “for fee” facilities in the common recreation space being available to the public, i.e. the golf course.
18. Commissioner BLACK is concerned about the amount of traffic the Liberty Forge development would generate. Specific recommendation if the Planning Commission feels there is some way to devise a way to analyze that traffic before considering the zoning modifications.

Vice-President BUCHER seconded the motion.

Commissioner CHRIST asked if these issues would normally be addressed by the Planning Commission. Commissioner BLACK responded that these issues should normally be addressed by the Planning Commission; however, he has specific concerns about the ordinance in regard to the eighteen issues and would like detailed specific responses, not generalizations.

Motion carried 4-1, Commissioner CHRIST opposed.

DEFER SETTING A DATE FOR A PUBLIC HEARING ON LIBERTY FORGE'S CONSERVATION PARK OVERLAY APPLICATION

Commissioner BLACK moved defer setting a date for a public hearing on Liberty Forge's Conservation Park Overlay application until a later time to allow adequate time for the Township's Planning Commission and County Planning Commission to review and respond. Commissioner YOUNG seconded the motion. Motion carried 5-0.

ADMINISTRATIVE SERVICES

Discussion RE: Permission to Advertise to Sell One (1) 1991 Leaf Loader and then Two (2) 1998 Loaders for Parts

Mrs. Faust advised the Board that the Fleet Manger recommended selling the 1992 Leaf Loader and two (2) 1998 Loaders for parts items as one (1) lot. The 1998 loaders have been disassembled and used for parts. Discussion ensued.

This will be an agenda item for February 25, 2008.

Discussion RE: Revision to Resolution 85-R-32, Procedures for Sale of Surplus Property

Mrs. Faust advised the Board that the Township's current resolution is quite old and needs updated. The old resolution sets the amount at \$100.00 and the new resolution would be \$1,000.00.

This will be an agenda item for February 25, 2008.

Discussion RE: Authorize Staff to Prepare and Advertise a Request for Proposal for Janitorial Services at the New Municipal Services Center

Mrs. Faust advised the Board that in looking ahead to moving into the new Municipal Services Center, Staff is preparing a Request for Proposal for janitorial services, and tying-in a little of the Public Works Building (office cleaning) at 1400 St. John's Road, as well as flooring at the Community Barn. The RFP will have an alternate bid for flooring services.

This will be an agenda item for February 25, 2008.

Grant Update

Mrs. Faust advised the Board that she received a rejection letter from DCNR on the Wass Park/Shireman Manor program. There was no explanation as to why the request was rejected. The request was approve on the County level. She has requested additional information and will advise the Board as soon as she has a response.

PUBLIC SAFETY

Discussion RE: Purchase of 2008 Police Vehicles

Chief Williamson advised the Board it is time to replace four (4) police vehicles. The Fleet Manager recommended the purchase four (4) Crown Victorias from Kenny Ross Ford. Township officers were looking for Dodge Chargers. After speaking with transmission shops and electrical shops, the Fleet Manager still has concerns with how the Chargers are holding-up. Delivery of the Fords would be 60 to 90 days from date of order. The vehicles would be delivered by the dealership to the Municipal Building.

This will be an agenda item for February 25, 2008.

Discussion RE: CSO Completing Probation

Chief Williamson advised the Board that one fulltime CSOs has completed his six-month probationary period.

This will be an agenda item for February 25, 2008.

Recommend Civil Service Commission Void the Current Civil Service List and Authorize Staff to Re-Advertise the Position of Police Officer in Lower Allen Township

Commissioner YOUNG moved to recommend the Civil Service Commissioner void the current Civil Service List and authorize Staff to re-advertise the position of police officer in Lower Allen Township. Commissioner CHRIST seconded the motion. Motion carried 5-0.

COMMUNITY DEVELOPMENT

Discussion RE: Zoning Hearing Board Dockets

Mr. Eby advised the Board that there are no new dockets for the Zoning Hearing Board on February 21, 2008.

However, there is a continuation of Docket 2008-01, Application of William Grace regarding the property at 145 South Locust Street, the old Stephenson Flower Shop/Greenhouse property. It was continued to allow more information and more testimony for individuals in the audience who were unable to testify due to time constraints. In addition, the Planning Commission did not offer a recommendation; they opted to render a decision that they did not object to the Zoning Hearing Board moving on with the hearing. It was remanded back to the Planning Commission which will hear it on Tuesday, February 19 and then on Thursday, February 21 the zoning hearing will resume on Docket 2008-01.

Commissioner YOUNG asked for clarification that the Planning Commission will revisit Docket 2008-01 on Tuesday, February 19. Mr. Eby confirmed same. Commissioner YOUNG asked for further clarification that the Zoning Hearing Board has requested the Planning Commission to give a specific recommendation. Mr. Eby confirmed same. Mr. Eby advised that if the Planning Commission is uncomfortable with the time constraints, the Applicant has given the Township a time waiver. There is a 30-day requirement time limit for the Planning Commission to receive the information and act upon it. Once the 30-days lapses, there could be a deemed recommendation of approval. The Applicant has waived that right and given until the end of March for a recommendation. If the Planning Commission wants to table the docket until its March meeting, due to the amount of input at its February 19 meeting, the Zoning Hearing Board would simply continue one more time.

Approve Request No. 4 for Reduction in Improvement Security for SLD Docket #2005-22, Heights of Beacon Hill, Phase 3, Establishing a New Amount and a New Expiration Date

Commissioner BLACK moved to approve Request No. 4 for reduction in Improvement Security for SLD Docket #2005-22, Heights of Beacon Hill, Phase 3, establishing a new amount of \$371,649.30 and a new expiration date of February 11, 2009. Commissioner YOUNG seconded the motion. Motion carried 5-0.

Discussion RE: Kensington Drive/Westport Drive Trail Project Update

Mr. Flint advised the Board that this is the short trail that would go from the dead-end at Kensington Drive into Westport Business Center. The Township went out-to-bid in October 2006. A contingent award was made based upon obtaining an easement from the property owner. The property owner was willing to give the easement; however, his mortgage company was not. The property owner advised Staff at that time that in February 2008 he would be out from under that mortgage and would be able to give the Township the easement. Staff went back to the low bidder, Hempt Bros., and they agreed to honor their price from October 2006. The project will not have to be re-bid. It is expected that sometime within the next month, the easement can be obtained allowing award of a contract.

Discussion RE: Request for Reduction in Improvement Security for the Village of Fair Oaks

Mr. Flint advised the Board that this is a small ten-lot subdivision at the Rossmoyne Road and Ravenwood. The street is partially built but has not yet been inspected.

This should be an agenda item for February 25, 2008.

MANAGER

Discussion RE: Vacation of Short Street

Mr. Vernau advised the Board a request was received some time ago from the sole occupant of Short Street to vacate Short Street. As part of the Rt. 15/581 project, PENNDOT expanded Rt. 15 taking one-half of Short Street, moving the road right-of-way by half a lane for the existing building. If the street would be repaved it would come up to the occupant's front door and there would be no front yard. Since he is the only occupant on that street and the would Township vacant the street, it would not have to be repaved or be a public street. At the time of the original request, the Board asked if the Manager knew if the occupant had been reimbursed by PENNDOT for the loss of his front yard. PENNDOT made an offer to the occupant, but the occupant did not accept the offer and the money was deposited at the courthouse.

Vice-President BUCHER inquired if the Township does not vacate, does PENNDOT plan to reconstruct Short Street. Mr. Vernau advised that PENNDOT does plan to reconstruct the street.

Commissioner BLACK asked Mr. Flint if, in his opinion, there is any need for the Township to have Short Street. Mr. Flint responded that instead of Short Street connecting the other two streets, a turnaround on each end of the connecting streets would be required. President TITZEL inquired who would build the turnarounds. Mr. Flint stated that if the Township approaches PENNDOT, PENNDOT would be building less by building the turnarounds than to build the entire street. Mr. Flint felt PENNDOT would be amenable as it would reduce PENNDOT's costs.

Extensive discussion ensued.

Mr. Flint was directed to contact PENNDOT regarding the Township's vacating of Short Street and PENNDOT's construction of turnarounds and then advise the Board of PENNDOT's response.

Discussion RE: Appointment of a Committee to Open and Review Bids for the Purchase of 1993 Hummel Avenue and Three Unimproved Parcels

Mr. Vernau asked the Board if it would be willing to appointment a committee to open, record and report bids for the purchase of 1993 Hummel Avenue and three unimproved parcels. Discussion ensued.

This will be an agenda item for February 25, 2008.

Discussion RE: Senate Bill 777, Amending the Municipal Claims and Tax Liens Law

Mr. Vernau advised the Board that Senate Bill 777 expands a municipality's option regarding collections as well as the types of things that may be collected.

Extensive discussion ensued.

Vice-President BUCHER moved to **not** support Senate Bill 777, amending the Municipal Claims and Tax Liens Law. Commissioner CHRIST seconded the motion. Motion carried 3-2, Commissioners BLACK and Commissioner TITZEL opposed.

OTHER BUSINESS

Vice-President BUCHER advised the Board that the Sewer Authority elected not to participate in the COG suit. The Authority got basically everything it requested in its permit and felt it was inefficient to participate.

Commissioner CHRIST requested a discussion on the ongoing issue of fluoride in the Township's drinking water. Commissioner CHRIST advised that his only reason for raising the issue is that no vote was taken regarding the Board's decision to not pursue the matter. Extensive discussion ensued. Commissioner CHRIST moved that the Lower Allen Township Board of Commissioners **not** further address the fluoridation issue until it is shown that the majority of Township residents show concern. Commissioner BLACK seconded the motion. Discussion ensued. Vice-President BUCHER called for the question. Motion carried 5-0.

Chief Williamson thanked the Board for allowing his family to attend his swearing-in as Chief of Police.

Chief Williamson advised the Board that at their February 25, 2008 meeting there will be the presentation of the gift certificates to the volunteer firefighters from the December ice storm.

Mrs. Dietel advised the Board that the audit began today. She will have un-audited but nearly complete financial statements in the Commissioners' packets this week. The Township did better in 2007 than anticipated. While there was still a deficient, it was not a large as anticipated.

ADJOURN

The Regular Meeting of the Board of Commissioners adjourned at 9:20 p.m.

ATTENDANCE REGISTER

An Attendance Register is made part of this record.