

**MINUTES**

**BOARD OF COMMISSIONERS**

**LOWER ALLEN TOWNSHIP**

**REGULAR MEETING**

**March 12, 2007**

**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  
Nancy Dietel, Finance Director  
Daniel Flint, Community Development  
John Eby, Township Planning and Zoning  
Coordinator  
Frank Williamson, Public Safety Director  
Raymond J. Allen, Plan Review Technician  
Chief Charles Snyder, LAT Police Dept.  
Christopher Yohn, EMS Captain  
Scott Duncanson, Recreation & Parks Board  
Rodney Mumma, LAT Fire Chief  
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 pm followed by an opening prayer and the Pledge of Allegiance. He announced Proof of Publication was available for review.

**BID OPENING: ROOF REPLACEMENT ON FOUR PARK PAVILIONS -- REBID**

The following bids were received for the roof replacement on four park pavilions (rebid):

Nicholas Evanoff Co. Harrisburg, PA	BID AMOUNT:	\$12,500.00
HI-DEF Roofing, LLC Mechanicsburg, PA	BID AMOUNT:	\$ 9,275.00

**BID OPENING: HIGHLAND PARK PLAYGROUND BASKETBALL AND TENNIS COURTS RESURFACING PROJECT – REBID**

The following bids were received for the Highland Park playground basketball and tennis courts resurfacing project (rebid):

B. R. Kreider & Son                      BID AMOUNT: \$126.75 per ton      TOTAL BID: \$11,407.50  
Manheim, PA

Sunrise Paving & Excavating BID AMOUNT: \$153.17 per ton      TOTAL BID: \$13,785.00  
Millerstown, PA

Hempt Bros. Inc.                      BID AMOUNT: \$125.00 per ton      TOTAL BID: \$11,250.00  
Camp Hill, PA

**BID OPENING: 2007 CURB REPAIR PROJECT**

The following bids were received for the 2007 curb repair project:

Cumberland Masonry, Inc.                      BID AMOUNT:                      \$39,545.16  
New Cumberland, PA

Doug Lamb Construction, Inc.                      BID AMOUNT:                      \$72,714.00  
Elizabethtown, PA

**BID OPENING: 2007 STREET RESURFACING MAINTENANCE PROJECT**

The following bids were received for the 2007 street resurfacing maintenance project:

Handwerk Contractors                      BID AMOUNT:                      \$259,865.00  
Hummelstown, PA

Hemp Bros., Inc.                      BID AMOUNT:                      \$271,950.00  
Camp Hill, PA

EK Services, Inc.                      BID AMOUNT:                      \$365,248.00  
New Cumberland, PA

Kinsley Construction                      BID AMOUNT:                      \$307,501.00  
York, PA

**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.

**INTRODUCTION: NEW PLAN REVIEW TECHNICIAN – RAYMOND J. ALLEN**

Mr. Flint introduced to the Board Raymond J. Allen, the Township's new Plan Review Technician.

**PRESENTATION: PEDESTRIAN/BICYCLE COMMITTEE – BROOK LENKER**

Following Mr. Lenker's presentation to the Board, discussion ensued. A copy of Mr. Lenker's presentation is made part of the record.

**CONSENT AGENDA**

President TITZEL advised if any Commissioner, Staff member or anyone in attendance would like to have an item on the Consent Agenda removed for further discussion and asked if there was a request for the removal of an 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 March 2, 2007 in the amount of \$126,191.02.
2. Awarding a contract to Berks Traffic and Line Painting, Inc. at a unit cost of \$13.40 per gallon in place for a total amount of \$10,000.00 for the 2007 Pavement Crack Sealing Project.
3. A waiver of a requirement contained in Section 1173.04 to submit a Preliminary Plan for SLD Docket No. 2007-01, Subdivision Plan for Eberly's Mill Church of God.
4. A waiver of the requirement contained in Section 1181.09 to provide sidewalks for SLD Docket No. 2007-01, Final Subdivision Plan for Eberly's Mill Church of God, until such time as the installation of same has been deemed necessary by the Township for the health, safety or welfare of the general public. These improvements shall be made at the owner's expense. This is a covenant running with the land, which shall bind the owners, their successors, heirs and assigns.

5. A waiver of the requirement contained in Section 1181.07 to provide curbs for SLD Docket No. 2007-01, Final Subdivision Plan for Eberly's Mill Church of God, until such time as the installation of same has been deemed necessary by the Township for the health, safety or welfare of the general public. These improvements shall be made at the owner's expense. This is a covenant running with the land, which shall bind the owners, their successors, heirs and assigns.
6. A waiver of the requirement contained in Section 1177.02(a)(8) to provide fill-in paving for SLD Docket No. 2007-01, Final Subdivision Plan for Eberly's Mill Church of God, until such time as the installation of has been deemed necessary by the Township for the health, safety or welfare of the general public. These improvements shall be made at the owner's expense. This is a covenant running with the land, which shall bind the owners, their successors, heirs and assigns.
7. A waiver of the requirement contained in Section 1173.07(a)(1)V.1 to show contours on the plan for SLD Docket No. 2007-01, Final Subdivision Plan for Eberly's Mill Church of God.

These waivers are not contrary to the public interest, and they maintain the purpose and intent of the Subdivision and Land Development Ordinance.

8. SLD Docket No. 2007-01, Final Subdivision Plan for Eberly's Mill Church of God, 115 Creek Road, contingent upon the following:
  - a. Providing a copy of the easement agreement that provides permanent access for Lot No. 2 from Cedar Cliff Drive.
9. Awarding a design contract for the Cedar Spring Run Trail Project to Rettew Associates, Inc. on a time and expense basis with a "not to exceed amount" of \$38,300.00.
10. Purchase of two (2) Ford Crown Victoria Police vehicles for Patrol use from Wolltz and Wind Ford in an amount not to exceed \$23,519.00 each. This is a joint purchase through South Hills Area Council of Governments in Allegheny County. These vehicles were approved in the 2007 budget.
11. Purchase of one (1) Ford 500 sedan for investigative use from Pacifico Ford in Broomal, PA in an amount not to exceed \$18,077.00. This is a joint purchase through the state COSTARS program. This vehicle was approved in the 2007 budget.

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

**APPROVE RESOLUTION 2007-R-15, ENABLING TOWNSHIP TO PARTICIPATE IN AND OBTAIN REIMBURSEMENTS FOR POLICE TRAINING COURSES FROM THE MUNICIPAL POLICE OFFICERS EDUCATION AND TRAINING COMMISSION, PURSUANT TO ACT 120 OF 1974**

Commissioner YOUNG moved to approve **Resolution 2007-R-15**, enabling the Township to participate in and obtain reimbursements for police training courses from the Municipal Police Officers Education and Training Commission, pursuant to Act 120 of 1974. Commissioner CHRIST seconded the motion. Motion carried 5-0.

**ANY BUSINESS PERTINENT TO THE TOWNSHIP**

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

Mr. Herb Moore, Sherrick Associates identified himself to the Board. Mr. Moore requested a 120-day extension for Subdivision Docket 2006-08, 108 Creek Road. The extension is requested to allow engineering to be completed.

Commissioner BLACK moved to grant a 120-day extension for Subdivision Docket 2006-08, 108 Creek Road. Commissioner CHRIST seconded the motion. Motion carried 5-0.

Mr. Moore commented that it was interest that the bike path issue was on the agenda as well as the Eberly's Mill Church. Mr. Moore pointed out what appears to be an unfair deal of the cards. On one side of the road, Mrs. Dorsheimer is required to install \$25,000 worth of curb into a bike path that may or may not be built. However, directly across the street Eberly's Mill Church is granted a wavier for curb, sidewalk, etc. Mr. Moore cautioned the Board on placing an unfair burden on any one landowner.

**PUBLIC SAFETY**

**Discussion RE: Fire Police Intergovernmental Agreement**

Mr. Williamson reviewed the Fire Police Intergovernmental Agreement. Extensive discussion ensued.

**COMMUNITY DEVELOPMENT**

**Zoning Hearing Dockets**

Mr. Eby advised the Board that there were no new zoning dockets.

**Contract with ARM Group, Inc. to Perform Geotechnical Inspections at the EMSC Building Site on a Time and Expense Basis**

Commissioner YOUNG moved to contract with ARAM Group, Inc. to perform geotechnical inspections at the EMSC building site on a time and expense basis with an estimated cost of \$21,355.00. Commissioner BLACK seconded the motion. Motion carried 5-0.

**Contract with PSI, Inc. to Perform Special Inspections at the EMSC Building Site on a Time and Expense Basis**

Commissioner YOUNG moved to contract with PSI, Inc. to perform special inspections at the EMSC building site on a time and expense basis with an estimated cost of \$28,720.00. Commissioner BLACK seconded the motion. Motion carried 5-0.

**MANAGER**

**Discussion RE: Use of Email Between Commissioners**

Mr. Vernau advised Board that the question arose regarding whether the broadcast use of e-mail to each other would in anyway come close to violating the Sunshine Act. After discussion with the Solicitor, because information is being shared and no deliberation or decision-making is taking place, the Sunshine Act is not violated. Mr. Vernau stated that if the Commissioners reply to him, he would disseminate the information, thus avoiding any possibility of violation.

Discussion ensued.

**Discussion RE: Authorization of County Solid Waste/Recycling Fee**

Mr. Vernau advised the Board of a recent court case in another county where the court ruled that the administrative fees were not legal because they were not specifically authorized in Act 101. Cumberland County has already been contacted by at least one, possibly two, waste-haulers that say they intend to no longer pay the fee because of the court decision. Cumberland County is fearful of losing a good deal of revenue, which is also putting the possible recycling drop-center in Lower Allen Township at risk.

This will be an agenda item for March 26, 2007.

**Discussion RE: Valentine's Day Storm Report**

Extensive discussion ensued regarding Mr. Vernau's Valentine's Day storm report.

## **OTHER BUSINESS**

Mr. Miner advised the Board that the bids opened at this meeting would need to be reviewed and awarded at a future meeting.

Mr. Vernau advised that he is waiting for an answer from three Commissioners regarding the radio training e-mail he sent. CPR training will immediately following the radio training for those Commissioners who wish to participate.

Mr. Vernau asked if the Commissioners would prefer a weekday or weekend for the ground breaking for the new EMSC. It was the consensus of the Board to schedule the ground breaking on a weekday at 10:00 am.

Mr. Williamson advised the Board that a grant was awarded for approximately \$14,000.00 for Lisburn to purchase four additional portable County radios for their apparatus.

Mrs. Dietel advised the Board that the preliminary 2006 financials have been received. If any Commissioners would like the information, they should contact Mrs. Dietel.

## **ADJOURN TO EXECUTIVE SESSION**

The Regular Meeting of the Board of Commissioners adjourned to Executive Session at 9:12 pm for the following:

1. Discussion regarding continuance of litigation against DGS for In Lieu of Fees.
2. Discussion regarding a legal matter requested by the Solicitor.

## **ATTENDANCE REGISTER**

An Attendance Register is made part of the record.