

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

MARCH 24, 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
John Eby, Planning and Zoning Coordinator
Nancy Dietel, Finance Director
Frank Williamson, Chief of Police/
Public Safety Director
Rodney Mumma, LAFC Fire Chief
Steven P. Miner, Solicitor
Danna Lutes, 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.

APPROVE RESOLUTION 2008-R-08, RECOGNIZING KEN ROCUSKIE FOR 25 YEARS OF SERVICE TO LOWER ALLEN TOWNSHIP

Vice-President BUCHER moved to approve **Resolution 2008-R-08**, recognizing Ken Rocuskie for 25 years of service to Lower Allen Township. Commissioner BLACK seconded the motion. Motion carried 5-0.

On behalf of the Board of Commissioners, President TITZEL presented **Resolution 2008-R-08** to Ken Rocuskie.

PRESENTATIONS: EMPLOYEE RECOGNITION

The following employees received a Commendation Letter for their years of service to Lower Allen Township:

March 24, 2008
Approved

Kenneth Rocuskie, LAT Fleet Maintenance Department – 25 years
Gregory Ramberger, LAT Police Department – 5 years

AUDIENCE PARTICIPATION

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

Randy Brown, identified himself to the Board, and stated that he would like to address the item of Audience Participation and specifically confusion that he and others have as to how and when the audience can participate in certain Township meetings.

President TITZEL clarified that if someone wanted to address an item that is on the agenda, this is the time to advise the Board of the specific agenda item. When that agenda items comes up for discussion during the meeting that is the time to comment on the agenda item.

Mr. Brown again stated that he and others are confused as to how and when the audience participates in certain aspects of different meetings. With regard to this meeting, Mr. Brown stated that at times, although it refers to items on the agenda, when the President reads it he says items on the Consent Agenda. That is what is causing confusion.

Mr. Brown stated that there is also confusion with the difference between “Audience Participation” – any item that appears on the agenda and “Any Business Pertinent to the Township”. Mr. Brown asked what it is that the Board wishes to delineate between those to items.

Mr. Vernau clarified that under “Audience Participation . . . any item on the agenda”, what the Board is looking for is anyone in the audience that wishes to address the Board on any item that appears on the agenda to identify themselves so the Board knows they are here and call on them at the appropriate time. Very rarely will there actually be a discussion on the item. The discussion will take place when the agenda item comes before the Board.

Mr. Vernau further clarified that the “Consent Agenda” item follows “Audience Participation”, and the Commissioners are asking if there is any items anyone would like removed from the Consent Agenda for special discussion.

Mr. Vernau advised that “Any Business Pertinent to Township” is the time to discuss anything that pertains to the Township whether or not it appears on the agenda.

Mr. Brown asked what happens if he attends a meeting without the intent to discuss an item on the agenda, but during the discussion of that item he would like to make comment. Mr. Vernau advised that all one has to do is raise their hand and they will be recognized.

Mr. Brown stated that there have been several times when he and others have raised their hands to make comments but have not been recognized and he feels there needs to be more recognition to the fact that there are people who want to speak. He also stated that he differs with Mr. Vernau's comments. He knows the difference between items on the agenda and the Consent Agenda. Although he has not been confused by it, he has been in attendance when others were confused. That is the only reason he brought up the subject.

Mr. Vernau expressed his understanding the concern in maintaining decorum; however, if someone does not notice a raised hand, do not let an opportunity pass. The person should stand-up or in some other way get the Board's attention.

Janey Gunn identified herself to the Board and advised that she would like to address the Board when the discussion takes place regarding the request from the Planning Commission to provide a consultant.

BID OPENING: DUAL PURPOSE HOSE DRYER FOR LOWER ALLEN FIRE COMPANY

The following bids were received for a dual purpose hose dryer for Lower Allen Fire Company:

Moul Enterprise Abbottstown, PA	BID AMOUNT:	\$13,902.67
Fire & Rescue Products Limerick, PA	BID AMOUNT:	\$12,742.00

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.

Commissioner BLACK requested Warrants Journal be removed from the Consent Agenda, specifically the Solicitor's fee of \$62.50 for his legal time spent on Vertical Properties due to Commissioner Black's firm being involved with the project.

Commissioner YOUNG moved to approve the items on the Consent agenda, as amended, those items being:

1. Department Report for the month of January 2008 for Community Development, and Department Reports for the month of February 2008 including: Engineer, Public Works, Community Development, Public Safety, and Recreation and Parks Board.
2. Purchase of a 54" Roland Plotter and accessories from Sign Supply USA in the amount of \$5,550.98.

3. Reduction in Improvement Security for SLD Docket No. 2005-01, Tressler Site/Executive Park West, establishing a new amount of \$77,700.00 and a new expiration date of March 24, 2009.
4. Purchase of a 3COM NBX V3000 Phone System and relative support equipment in the amount of \$33,312.00.
5. Purchase of a Corghi Model A9824-1500 Tire Changer in the amount of \$6,072.68.
6. Purchase of 15 replacement Dell Optiplex, 330 MiniTower computers and related equipment in the amount of \$15,510.00 and an Application Server in the amount of \$2,950.00.

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

ACCEPT WARRANTS JOURNAL OF MARCH 13, 2008

Vice-President BUCHER moved to accept the Warrants Journal of March 13, 2008 in the amount of \$1,056,398.84. Commissioner CHRIST seconded the motion. Motion carried 4-0-1, Commissioner BLACK abstaining due to his firm's involvement in the Vertical Properties project.

APPROVE HAVING TOWNSHIP MANAGER INITIATE AN AGREEMENT WITH CONNECT-CTY FOR PROVIDING A COMMUNITY ALERT SYSTEM

Commissioner YOUNG moved to have the Township Manger initiate an agreement with Connect –CTY for providing a community alerting system at the rate of \$1.50 per address for 2008 and \$2.00 per address for 2009. Commissioner BLACK seconded the motion. Commissioner CHRIST inquired if the Board wanted time to review the agreement received this evening. Mr. Miner advised that he has reviewed the agreement. Call for the question was made. Motion carried 5-0.

APPROVE RESOLUTION 2008-R-07, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AUTHORIZING EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT WITH SUNTRUST EQUIPMENT FINANCE AND LEASING CORPORATION, TOWSON, MARYLAND, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

Commissioner CHRIST moved to approve Resolution 2008-R-07, a resolution of the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania, authorizing execution and delivery of a master equipment lease/purchase agreement with SunTrust Equipment Finance and Leasing Corporation, Towson, Maryland, and related instruments, and determining other matters in connection therewith. Vice-President BUCHER 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.

Janey Gunn, 3800 Lisburn Road, identified herself to the Board and inquired how one properly participates in the Planning Commission meetings. Last week at March's Planning Commission meeting, there is not an item on the agenda that says audience participation or anything similar. There were a number of items on the agenda that the Planning Commission walked through fairly steadily and as soon as they got to the end of the last item on the agenda they declared the meeting adjourned. There were at least ten (10) residents in attendance who wanted to speak on an item on the agenda and no one was given the opportunity to do so.

Mr. Miner advised that he does not attend the meeting, but his understanding is that there is an opportunity to comment. As her issues are with the plan for Liberty Forge would more properly come before the Board of Commissioners when there is a hearing where all testimony of interested people can be heard on both sides of the issue. Discussion ensued.

Mr. Flint advised that normally the Planning Commission asks for comment on each specific agenda item, not as a separate agenda item. This allows public comment when each item is discussed, instead of waiting until the end of the meeting. Mr. Flint further advised that "Public Comment" will be put on the agenda for each item.

Commissioner YOUNG stated that the overlay issues were on the last Planning Commission agenda. The Chairman began the meeting by stating that there would discussion and a presentation on the overlays but there would be no questioning involved. The recommendations were to table all overlays until such time as the Planning Commission had a chance to be brought up-to-speed as to language within the overlays. At that point in time the Chairman declared the meeting adjourned.

Ms. Gunn stated that was her recollection also. She wanted to know how someone discusses an issue that is on the agenda. Sometimes one does not know if they have a question until after a presentation has been heard. Ms. Gunn asked how one properly addresses the item on the Planning Commission agenda and asked if a person must wait until the next meeting to be put on the agenda themselves. If one must wait until the next meeting, would it be too late.

Commissioner YOUNG asked the Solicitor for clarification that once an item has been tabled all further discussion ceases. Mr. Miner responded that under Robert's Rules that is the case. Commissioner YOUNG stated that historically there has not been a "bullet" on the Planning Commission agenda for public comment and in the future it could be included.

Regarding Mr. Miner's comment, Ms. Gunn stated that at last week's meeting Liberty Forge made a presentation, the Planning Commission questioned them regarding a number of issues and then decided to table the item ending further information. In a situation like that, is it proper for the residents to participate on that item prior to the motion to table. Mr. Miner felt it was entirely appropriate to add the agenda "bullet" following the applicant's public comment. Mr. Miner stressed that he was not there and did not know the facts and circumstances but feels public comment should have followed the applicant's presentation.

Randy Brown identified himself to the Board. What happened was at the end of the discussion between Liberty Forge and Planning Commission there were four or five people who would have liked to have had an opportunity to share information with the Planning Commission before they took the motion which may have changed the motion, and they did not get the opportunity.

George Page, 1965 Sheepford Road, identified himself to the Board. Mr. Page advised the Board that he lives by Yellow Breeches Park and the big picnic table for the Boy Scout troop was taken last year. The end at the bridge was finally closed. Behind the dirt pile there is debris Township needs to do something about it. President TITZEL thanked Mr. Page for advising the Board of the situation.

ADMINISTRATIVE SERVICES

Discussion: Resolution Needed for Application to DCNR for a Planning Grant for a Master Site Plan for the New Passive Park at 2233 Gettysburg Road

Mrs. Faust advised that a resolution is needed in order to submit an application to DCNR for a planning grant for a Master Site Plan for the new passive park at 2233 Gettysburg Road. Mrs. Faust advised that the application amount is \$25,000.00 to \$30,000.00 and is a 50/50 grant. Discussion ensued.

Mrs. Faust was directed to proceed with the grant application.

This will be an agenda item for the April 14, 2008.

Discussion: Section 902 Recycling Grant Application for a New Compost Pad Facility

Mrs. Faust advised the Board that Staff would like to apply for a DEP recycling grant for a new compost pad. The current compost pad is getting too small for future growth. This is a 90/10 match grant.

Staff would like to locate the new compost pad at five-acre piece of land at Yetter Court. Mrs. Faust advised the Board that the new site will be 3-acres while the current pad is 1.5-acres. The old site will not go unused.

Mrs. Faust further advised that the Township would be working with the Authority as in the future they will have a need to store Class A Biosolids. It is in the very early stages of working together to determine if things will come together. Discussion ensued.

Mrs. Faust was directed to proceed with the grant application.

This will be a future agenda item.

PUBLIC SAFETY

Discussion and Possible Action: Advertising Bid for a 100-Foot Rear-Mount Aerial Platform Fire Truck

Mr. Williamson advised the Board that the fire company would like to replace the 1992 Pierce 100-foot rear-mount aerial device. Discussion ensued.

Commissioner YOUNG moved to authorize Staff to advertise bids for a 100-foot rear-mount aerial platform fire truck. Bid opening will be April 28. Commissioner BLACK seconded the motion. Motion carried 5-0.

APPROVE AWARDING BID TO FIRE & RESCUE PRODUCTS, LIMERICK, PA FOR DUAL PURPOSE HOSE DRYER FOR LOWER ALLEN FIRE COMPANY

Vice-President BUCHER moved to approve awarding the bid to Fire & Rescue Products, Limerick, PA in the amount of \$12,742.00 for a dual purpose hose dryer for Lower Allen Fire Company. Commissioner BLACK seconded the motion. Motion carried 5-0.

COMMUNITY DEVELOPMENT

Discussion and Possible Action: Zoning Ordinance Amendment Application 2008-01, Vertical Properties, Requesting Text Amendment Pertaining to Permitted Office Space in the I-1 General Industrial District.

Commissioner BLACK advised the Board that he would abstain from all discussion on this application as his firm is involved with the project.

Commissioner YOUNG moved to establish May 12, 2008 as the public hearing date for the Zoning Ordinance Amendment Application 2008-01, Vertical Properties and directed the owners to work with Staff to arrive at a percentage ratio for owner-occupied space/leased space to be

presented at the May 12, 2008 public hearing. Vice-President BUCHER seconded the motion. Motion carried 4-0-1, Commissioner BLACK abstaining.

Authorize Staff to Prepare an Update to the Sewage Facilities Plan of Lower Allen Township (Act 537), in Cooperation with Lower Allen Township Authority Staff

Commissioner CHRIST moved to authorize Staff to prepare an update to the Sewage Facilities Plan of Lower Allen Township (Act 537), in cooperation with Lower Allen Township Authority staff. Commissioner YOUNG seconded the motion. Motion carried 5-0.

Discussion: SLD Docket No. 2008-02, Minor Subdivision Plan for 1993 Hummel Avenue, Parcels A and B

This will be an agenda item for April 14, 2008.

Authorize Staff and Solicitor to Act on the Letter of Credit for SLD Docket No. 2004-10, Final Subdivision Plan for Glenwood Terrace, if Financial Security is not Extended by the Expiration Date of April 1, 2008

Vice-President BUCHER moved to authorize Staff and the Solicitor to act on the Letter of Credit for SLD Docket No. 2004-10, Final Subdivision Plan for Glenwood Terrace, if financial security is not extended by the expiration date of April 1, 2008. Commissioner BLACK seconded the motion. Motion carried 5-0.

Discussion: Drainage Plan No. 2008-01, 1605 Fox Hollow Road

This will be an agenda item for April 14, 2008.

Discussion: Request from Planning Commission to Provide a Consultant

Geir Magnusson, member of the Planning Commission, identified himself to the Board and requested the expertise of a consultant to educate the Planning Commission as to the language of overlay districts.

Janey Gunn commented on overlay districts. (Tape was unintelligible).

Vice-President BUCHER moved to engage a consultant at an amount not to exceed \$5,000.00. Commissioner BLACK seconded the motion. Motion carried 5-0.

Discussion: Potential Vacation of Short Street

Commissioner BLACK moved to begin the process to vacate the section of Short Street. Commissioner CHRIST seconded the motion. Motion carried 5-0.

MANAGER

Filing of Lawsuit by Chesapeake Bay Foundation Against Department of Environmental Protection in Regard to Lower Allen Sewer Authority's Permit

Mr. Vernau advised the Board that the Chesapeake Bay Foundation has filed a Notice of Appeal with the Environmental Hearing Board relative to the Authority's NPDES permit. The Foundation has filed suit to stop the permit extension. Previously there was a Board discussion regarding COG's suit against DEP to stop the Chesapeake Bay's rules and regulations DEP put into effect. At that time, the Board as well as the Authority had decided not to join that suit.

John Brossman, from the Authority, identified himself to the Board. Mr. Brossman, advised the Board that from a technical standpoint the permit was issued to the Authority effective February 1, 2008. That permit contains the NPDES permit which is still in effect. The Authority is operating under the permit. The Chesapeake Bay Foundation filed an appeal on the last day to do so. Since it is under litigation, Mr. Brossman could not speak to the issue as the appeal has just been filed and has been turned over to the Authority's Special Counsel on this issue. Mr. Brossman advised that in the future, there will be more to report. As far as the permit, it is still in force. The appeal has not changed anything to the permit until the Environmental Hearing Board makes a ruling.

Mr. Brossman further advised that at its February and March meetings the Authority discussed the COG action based on information at that time. It was to the Authority's benefit to support but not join the action.

When and if anything changes, the Authority will keep the Board of Commissioners informed.

Discussion ensued.

Celebrate America Parking

Mr. Vernau advised the Board that Christian Life Assembly (CLA) has asked the Township for help with parking for its Celebrate America event. One of the problems last year was lack of on-site parking. This year, CLA would like to have their volunteers park off-site. When Staff met with representatives of CLA, Staff offered assistance. CLA asked if they could park their volunteers on the Township's property at the Public Works facility. Since that time, Gary Frazer has been trying to determine how many cars could be parked at the facility. It appears that parking can be handled fairly well. CLA estimated 200 to 300 cars. Mr. Vernau felt that 180 vehicles could be easily be accommodated. Mr. Vernau reviewed the parking strategy.

Mr. Vernau further advised the Board that when Staff meets again with CLA, the necessary liability waivers and insurance forms will be requested.

Mr. Williamson advised the Board that Township personnel will take care of on-site parking. Parking will not be permitted on St. John's Road.

The Board was in agreement with the use of the Public Works facility for volunteer parking for this event.

EXECUTIVE SESSION

There was no Executive Session.

OTHER BUSINESS

Mr. Vernau asked the Board if they would be interested in a tour of the new Municipal Services Building. Discussion ensued. The Board decided on April 19, 2008 for the tour.

Mrs. Dietel advised the Board that yard waste recycling containers are on order and should arrive in April or early May. Included with the sewer bill will be a notice that the containers will be available for pick-up at the Township building.

ADJOURN

The Regular Meeting of the Board of Commissioners adjourned at 9:25 pm.

ATTENDANCE REGISTER

An Attendance Register is made part of this record.