

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

March 26, 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  
Nancy Dietel, Finance Director  
Daniel Flint, Community Development  
John Eby, Township Planning and  
Zoning Coordinator  
Frank Williamson, Public Safety Director  
Chief Charles Snyder, LAT Police Dept.  
Christopher Yohn, EMS Captain  
Danna S. Lutes, Township Secretary  
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 p.m. followed by an opening prayer and the Pledge of Allegiance. He announced Proof of Publication was available for review.

**APPROVAL OF MINUTES FROM FEBRUARY 26, 2007 REGULAR MEETING OF THE BOARD OF COMMISSIONERS**

Commissioner CHRIST moved to approve the minutes from the February 26, 2007 Regular Meeting of the Board of Commissioners. Commissioner YOUNG seconded the motion. Motion carried 4-0-1, Commissioner BLACK abstaining.

**PRESENTATION: BRUCE BARNS OF MILT LOPUS ASSOCIATES PRESENTED AN OFFERING STATEMENT AND RELATED DOCUMENTS PERTAINING TO A \$3,160,000 GENERAL OBLIGATION BOND**

Bruce Barns of Milt Lopus Associates identified himself to the Board. Mr. Barnes presented an offering statement and related documents pertaining to a \$3,160,000 General Obligation Bond.

Discussion ensued.

**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 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 YOUNG moved to approve the items on the Consent Agenda, those items being:

1. Warrants Journal of March 15, 2007 in the amount of \$218,199.08.
2. Department Reports for the month of February 2007 including: Engineer, Public Works, Community Development, Recreation and Parks, and Public Safety.
3. Tax Collector's Monthly Report to Taxing Districts.
4. **Resolution 2007-R-16**, supporting the solid waste management and recycling efforts of the County by asking the General Assembly to approve a County waste administration fee.
5. Approve purchase of John Deere X740 Tractor for \$6,334.25 and a Frontier FM21 15' Flex Wing Mower for \$10,354.00 from Valley Ag and Turf. Both items are under the 2007 budgeted amount.

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

**APPROVE MOVING PAUL DANIELS TO REGULAR FULL-TIME STATUS IN THE POSITION OF ENGINEERING TECHNICIAN**

Commissioner CHRIST moved to approve moving Paul Daniels to regular full-time status in the position of Engineering Technician, as he has successfully completed the six-month probationary period. . Vice-President BUCHER seconded the motion. Motion carried 5-0.

**APPROVING AWARDING CONTRAT FOR ROOF REPLACEMENT ON FOUR PARK PAVILIONS – REBID TO HI-DEF ROOFING, LLC**

Commissioner BLACK moved to approve awarding a contract for Roof Replacement on Four Park Pavilions – rebid to HI-DEF Roofing, LLC, in the amount of \$9,275.00. Vice-President BUCHER seconded the motion. Motion carried 5-0.

**APPROVE AWARDING CONTRACT FOR HIGHLAND PARK PLAYGROUND BASKETBALL AND TENNIS COURTS RESURFACING PROJECT – REBID TO HEMPT BROS., INC**

Commissioner CHRIST moved to approve awarding a contract for Highland Park Playground Basketball and Tennis Courts Resurfacing Project – Rebid to Hempt Bros., Inc. in the amount of \$125.00 per ton, for a total estimated amount of \$11,250.00. Vice-President BUCHER seconded the motion. Motion carried 5-0.

**APPROVE AWARDING CONTRACT FOR THE 2007 CURB REPAIR PROJECT TO CUMBERLAND MASONRY, INC.**

Commissioner BLACK moved to approve awarding a contract for the 2007 Curb Repair Project to Cumberland Masonry, Inc. in the amount of \$34.96 per linear foot for rolled curb and \$28.96 per linear foot for standard curb, for a total estimated amount of \$259,865.00. Commissioner CHRIST seconded the motion. Motion carried 5-0.

**APPROVE AWARDING CONTRACT FOR THE 2007 STREET RESURFACING MAINTENANCE PROJECT TO HANDWERK SITE CONTRACTORS**

Vice-President BUCHER moved to approve awarding a contract for the 2007 Street Resurfacing Maintenance Project to Handwerk Site Contractors in the amount of \$54.07 per ton for wearing course and \$3.20 per square yard for milling, for a total estimated amount of \$259,865.00. Commissioner CHRIST seconded the motion. Motion carried 5-0.

**ADOPT ORDINANCE 2007-04, AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP AUTHORIZING AND DIRECTING ISSUANCE OF GENERAL OBLIGATION BONDS OF THIS TOWNSHIP IN THE AGGREGATE PRINCIPAL AMOUNT OF \$3,160,000.00**

Commissioner YOUNG moved to adopt **Ordinance 2007-04**, an Ordinance of the Board of Commissioners of Lower Allen Township authorizing and directing issuance of General Obligation Bonds of this Township in the aggregate principal amount of \$3,160,000.00.

Roll call vote:

Vice-President Bucher:	Aye
Commissioner Black :	Aye
Commissioner Christ :	Aye
Commissioner Young :	Aye
President Titzel :	Aye

**Ordinance 2007-04** was adopted by a 5-0 vote.

## **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.

There was no response.

## **ADMINISTRATIVE SERVICES**

Mrs. Faust advised the Board that the Township has one employee to recognize for 25-years of service, as well as recognition of an employee for preventing further damage to the municipal building due to smoke in the building.

These recognitions will be agenda items for the April 9, 2007 Board of Commissioners meeting.

## **PUBLIC SAFETY**

### **Approve Authorizing Public Safety Department to Begin Hiring Process for a Full-Time Community Service Officer Position**

Mr. Williamson advised the Board that Community Service Officer Del Wass has resigned from his position as a full-time Community Service Officer assigned to the Capital City Mall effective June 10, 2007. He has requested to continue as a part time CSO. Mr. Williamson requested authorization to begin the hiring process for a full-time Community Service Officer position to maintain the contractual obligation with the Mall.

Commissioner YOUNG moved to authorize the Public Safety Department to begin the hiring process for a full-time Community Service Officer Position. Commissioner BLACK seconded the motion. Motion carried 5-0.

## **COMMUNITY DEVELOPMENT**

### **Zoning Hearing Dockets**

Mr. Flint advised the Board that there would not be a Zoning Hearing Board meeting before the Board of Commissioners next meeting. The dockets would be agenda items for the April 9, 2007 Board of Commissioners meeting.

**ESTABLISH RATES CHARGED TO PROPERTY OWNERS FOR REMOVAL, REPLACEMENT AND REPAIR OF ROLLED CURB AND STANDARD CURB**

Commissioner BLACK moved to establish the following rates to be charged property owners for the removal, replacement and repair of rolled curb and standard curb:

\$37.86 per linear foot for rolled curb  
\$31.86 per linear foot for standard curb

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

**Approve Appointment of Raymond Allen as Assistant Zoning Officer**

Commissioner YOUNG moved to approve the appointment of Raymond Allen as Assistant Zoning Officer. Commissioner BLACK seconded the motion. Motion carried 5-0.

**Discussion RE: Request for Release of Improvement Security for SLD Docket #2003-04, Omex International**

This will be a future agenda item.

**Discussion RE: Docket #2007-02, Starbucks: Waiver Requests and Road Improvements**

Mr. Flint advised the Board that this plan was previously discussed; however, information submitted regarding waiver requests and road improvements require discussion. Mr. Flint advised the Board of the following waiver requests:

Installation of curb	Section 1181.07*
Installation of fill-in paving	Section 1177.02(a)(8)*
Installation of sidewalk	Section 1181.09*
Access Restrictions	Section 1177.02(k)(3)C**

\* These waivers are requested for public street frontage on both Gettysburg Road and Audubon Road

\*\* “Where the property abuts two or more streets or highways, ingress and egress may be restricted to only that highway or street which can more safely accommodate its traffic.”

Mr. Flint advised further advised the Board that the Applicant has offered to reconstruct and widen a portion of Audubon Road (approximately 255-feet in length) to accommodate truck access from the Audubon Road driveway. The Applicant has also offered a contribution of \$5,000.00 to the Township’s Gettysburg Road Improvement Fund, which is designated for the future project to relocate Gettysburg Road on new alignment out of the floodplain.

Mr. Flint deferred to John Snyder of Rettew Associates. Mr. Snyder responded to questions from the Board.

Mr. Flint advised the Board that the only two contingencies would be the \$5,000 contribution and the execution of the Developer's Agreement.

Vice-President BUCHER moved to approve a waiver of the requirement contained in Section 173.04 to submit a preliminary plan for SLD Docket #2007-02, Land Development Plan for Starbucks. Commissioner YOUNG seconded the motion. Motion carried 5-0.

Commissioner YOUNG moved to approve a waiver of the requirement contained in Section 1181.09 to provide sidewalks for SLD Docket #2007-02, Final Land Development Plan for Starbucks, 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. Commissioner CHRIST seconded the motion. Motion carried 5-0.

Commissioner CHRIST moved to approve a waiver of the requirement contained in Section 1181.07 to provide curbs for SLD Docket #2007-02, Final Land Development Plan for Starbucks, 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. Commissioner YOUNG seconded the motion. Motion carried 5-0.

Commissioner BLACK moved to approve a waiver of the requirement contained in Section 1177.02(a)(8) to provide fill-in paving for SLD Docket #2207-02, Final Land Development Plan for Starbucks, 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. Commissioner CHRIST seconded the motion. Motion carried 5-0.

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

Vice-President BUCHER moved to approve SLD Docket #2007-02, final Land Development Plan for Starbucks, 4825 Gettysburg Road, contingent upon the following:

1. Providing a minimum \$5,000 contribution to the Gettysburg Road Improvement Fund.
2. Executing the Developers Agreement.

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

**Presentation by Robert Walker and Derry Young Representing High Properties Re: Proposed Zoning Ordinance Amendment to Allow Freestanding Restaurants in the C-3 Planned Business Center District.**

Mr. Eby advised the Board that High Properties is anticipating application for a zoning ordinance amendment and wished to address the Board prior to making that application.

The following identified themselves to the Board:

Robert Walker  
Derry Young  
June Pearson  
Anne Anderson  
Craig Campbell, Director of Planning for Hoss' Steak and Seafood

Mr. Walker advised the Board that Hoss' is the proprietor of the proposed concept, known as Marzoni's Brick Oven & Brewery Co.

Mr. Walker advised the Board that the parcel for this project is a ten-acre parcel within Rossmoyne Business Park on Ritter Road, adjacent to and south of Homewood Suites. The site was previously approved for a 6,000-square-foot restaurant pursuant to a land development plan approved and required in October of 2001. The approved use on the site as a restaurant dates back to 1996. The concept for the restaurant was approved under the prior version of the Zoning Ordinance. There were amendments that took place in 1997 that took restaurants from a permitted use within the planned business district, to being a permitted use only within a building containing another primary use. Mr. Walker explained that their purpose for addressing the Board is to see if there is a way to resurrect the use of a restaurant within a business park as a primary use.

Mr. Walker stated that the restaurant would be located on the parcel and have the benefit of a Host liquor license that would be shared with Homewood Suites.

Mr. Walker further advised that they are aware the Township is undertaking a comprehensive revision of the Zoning Ordinance and if the timing was such that the Applicant could operate within that greater change, they would be happy to do so. However, the timeframe for this project is such that the Applicant feels the need to move ahead.

Mr. Walker deferred to Mr. Young who reviewed the restaurant concept.

Extensive discussion ensued.

## **MANAGER**

### **Discussion RE: Placing the Liberty Forge Carve-Out Issue on a Future Agenda for Discussion and/or Vote**

Mr. Vernau advised the Board that he is looking for direction whether to entertain a vote, a presentation or discussion at some point in the future regarding the Liberty Forge carve-out issue. Liberty Forge's attorney had suggested May 29 as a potential date. The Board has discussed the issue with the noise carve-out several times and had decided not to entertain it. Liberty Forge's contingency has requested the carve-out be reconsidered.

Extensive discussion ensued.

Commissioner BLACK moved to direct the Township Manager to **not** place the Liberty Forge carve-out on the May 29 agenda, as the Commissioners see no reason to do so. Commissioner CHRIST seconded the motion. Motion carried 5-0.

Mr. Vernau advised the Board that a letter would be sent to Mr. Martineau, Liberty Forge's attorney, advising him of the Board's decision.

### **Discussion RE: Anti-Idling Law**

Mr. Vernau reminded the Board that at a previous meeting they adopted a resolution for Clean Air. There is an on-going effort to ban idling statewide as well as nationwide. Individual municipalities are being asked to consider adopting an ordinance.

Mr. Williamson inquired as to how such an ordinance would be enforced.

Extensive discussion ensued.

It was the decision of the Board to have Staff review the issue and report back at a later date.

### **Discussion RE: EMSC Groundbreaking**

Mr. Vernau reminded the Board that the groundbreaking ceremony for the new EMSC building is on Friday, March 30, at 10:00 a.m.

## **OTHER BUSINESS**

Vice-President BUCHER advised staff that there are a large number of homemade signs for hotels, etc. in the triangle at Wesley and Gettysburg.

Commissioner CHRIST advised the Board that COG approved Halloween Trick-or-Treat night to be the last Thursday of October every year beginning this year. It will not be considered every year.

Commissioner CHRIST further advised the Board that bonding for West Shore Tax Bureau has not yet been resolved. State law requires the Tax Bureau to be bonded to cover the maximum amount of cash flow that comes through the Bureau, which is approximately \$25 million at peak flow. The Executive Director has been working with a bonding agency. There has been discussion that the cost could be passed onto member municipalities.

Mrs. Faust reminded the Board that the Easter Egg Hunt is this Saturday and invited all to attend.

### **ADJOURNMENT**

The Regular Meeting of the Board of Commissioners adjourned at 9:38 p.m.

### **ATTENDANCE REGISTER**

An Attendance Register is made part of the record.