

**MINUTES**

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

APRIL 28, 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  
Frank Williamson, Chief of Police/  
Public Safety Director  
Rodney Mumma, LAT Fire Chief  
Scott Duncanson, Recreation &  
Parks Board  
Danna Lutes, Township Secretary  
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.

**BID OPENING: 2009 100' REARMOUNT AERIAL PLATFORM FOR LOWER ALLEN TOWNSHIP FIRE COMPANY**

The following bid was received for a 2009 100' Rearmount Aerial Platform for Lower Allen Township Fire Company:

Pierce Fire Equipment Company Bird-In-Hand, PA	BID AMOUNT:	\$985,225.00
---	-------------	--------------

**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.

Randy Brown, identified himself to the Board, and stated that he would like to address the item pertaining to the response to Mr. Grumbine's letter of March 24, 2008 requesting the Board of Commissioners act on Liberty Forge's Conservation Park Overlay District application.

### **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 the item regarding approval for the Solicitor to develop a Conditional Agreement of Sale for the sale of Truck 12 to Saxton Volunteer Fire Company be removed from the Consent Agenda for the sake of further clarification.

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

1. Warrants Journal of April 24, 2008 in the amount of \$1,070,684.57.
2. Department Reports for the month of March 2008, including:
  - a. Engineer
  - b. Public Works
  - c. Community Development
  - d. Public Safety
3. **Resolution 2008-R-10**, Compensation Adjustment Resolution for Matthew Claeys.
4. Approve authorizing Staff to seek bids for landscaping at the Municipal Services Center.
5. Executing the Sewer Deed of Easement and Right-of-Way for 1993 Hummel Avenue.
6. Executing the Standard Stormwater Management Facilities and BMP Maintenance and Monitoring Agreement, for SLD Docket No. 2008-01, Orchard Glen.
7. Award a contract for Janitorial and Flooring Service for all Lower Allen Township facilities to Specialty Cleaning, 167 Brindle Road, Mechanicsburg, Pennsylvania for two (2) years and be given Notice to Proceed contingent upon receipt of a copy of the required proof of insurance.

8. **Resolution 2008-R-13**, Authorizing execution of Roadway Lighting Agreement No. 089045 with the Pennsylvania Department of Transportation.
9. Executing the Agreement for Municipal Planning Advisory Service with Cumberland County for 2008.
10. Approving Lower Allen Township sponsoring a Tee at cost of \$100.00 for the Cumberland County Chiefs of Police Association and the Cumberland County Law Enforcement Benevolent Fund on August 1, 2008.
11. Authorizing the Township Manager to sign the Memorandum of Understanding between Lower Allen Township and PREIT Services, LLC for providing for additional police services at the Capital City Mall at a rate of \$70.54 per hour.
12. Approving the purchase of 29 traffic signal preemption devices for the Department of Public Safety at a cost of \$15,225.00.
13. Approving the purchase of five (5) TASERS and associated equipment for the Police Department at a cost of \$6,294.75.
14. Payment of Project Invoice #16 for \$25,337.76 to BASCO.
15. **Resolution 2008-R-11**, authorizing participation in a cooperative purchase agreement with Pennsylvania Capital City Automotive and Equipment administered by the City of Harrisburg.

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

**APPROVAL FOR THE SOLICITOR TO DEVELOP A CONDITIONAL AGREEMENT OF SALE FOR THE SALE OF TRUCK-12 TO SAXTON VOLUNTEER FIRE COMPANY IN THE AMOUNT OF \$200,000.00**

Vice-President BUCHER moved to approve the Solicitor develop a Conditional Agreement of Sale for the sale of Truck-12 to Saxton Volunteer Fire Company in Saxton, Pennsylvania, in the amount of \$200,000.00. This Agreement of Sale shall provide the Lower Allen Fire Company with a 10% refundable deposit and right of cancellation for 60-days should a better offer be made. After 60-days the bid shall be awarded to Saxton Volunteer Fire Company; however, the sale shall not occur until after a new Tower is placed into services. Commissioner BLACK seconded the motion.

Chief Mumma advised the Board that an offer was received from the Saxton Fire Department to enter into a 60-day contract to hold Truck-12. At the present time, the Saxton Fire Department does not have a facility to house Truck-12. A building must be constructed which is the reason for the 60-day contract. If a better offer is received, Lower Allen has the option to accept or deny the Saxton offer. The offer from Saxton allows Lower Allen to run the current aerial

device until the new one is placed in service, which would be toward the end of the first quarter of 2009. Saxton is a repeat customer.

Discussion ensued. Call for the question was made.

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.

Cumberland County Commissioner Rick Rovegno identified himself to the Board. Commissioner Rovegno advised that Board that approximately four years ago, he had the opportunity to read a report comparing Dauphin County, Pennsylvania and Fayette County, Kentucky (Lexington area). The two counties were selected because they had:

1. Approximately the same geographic square mileage
2. The same amount of citizens
3. Roughly the same type of demographic mix -- small city, suburbs and rural area
4. 35,000 students in public school system

The year prior to the report, Fayette County School District was chosen as one of the 100 top public school districts in the country based on the ratio of local tax expenditure per student to academic performance. One major difference was that in 1974 by county-wide referendum all governmental units were merged into the Lexington Fayette County Urban Government. Commissioner Rovegno stressed that he was not suggesting a governmental merge.

Commissioner Rovegno further advised that following an analysis of the costs of providing services (same type of demographic area and making allowances for regional differences in salary structures, cost of construction, etc.), it calculated that the additional taxes paid in Dauphin County was \$200 million per year, amounting to \$833 per citizen (not taxpayer).

Following discussions with several local elected officials, an attempt was made to develop a structure that would allow Dauphin County to capture as many possible economies of scale while still recognizing the tradition of local governments in Pennsylvania. This plan would bring a structure together where every school district, fire department, police department, township, borough and municipal authority could come. If they approach the County, the theory would be that they would like to consider a cooperative venture and the County would provide the staff resources to do the research and make the presentation back to those jurisdictions involved. If a demonstrable net tax savings to citizens was determined, the venture would move forward.

Commissioner Rovegno advised the Board that he is visiting every borough, township and school district in Dauphin County to present the idea. A special meeting through the Municipal

Advisory Board would be appropriate to discuss all issues and questions. Commissioner Rovegno again stated that he not attempting to force this idea on anyone. It would be the jurisdictions suggestions and decision as to how the governance would be set-up.

Commissioner Rovegno further advised that he has received calls from the Governor's Center for Local Government Services. They are very interested in the concept and have offered some resources if the decision is made to move ahead. This would be a test model to see how this functions and then perhaps taken it to other counties and regions of the state.

Commissioner CHRIST asked how this concept would be different from COG. Commissioner Rovegno responded that the COG is a great entity; however, the County has a great deal more administrative resources. The COG does not have membership with local fire companies, municipal authorities, school districts, etc.

Commissioner Rovegno thanked the Board for its time.

## **ADMINISTRATIVE SERVICES**

### **Discussion: Adopt-A-Park Program**

Mrs. Faust advised the Board that this program was the idea of the Recreation and Parks Board and that Donna Paul has been working with the Recreation and Parks Board and Staff to develop a viable program.

Vice-President BUCHER inquired how the Township would solicit sponsors. Mrs. Faust deferred to Scott Duncanson, Chairman of the Recreation and Parks Board. Mr. Duncanson advised the Board that he is not certain that sponsors are actually going to be solicited. It will probably be more groups that use the parks or neighborhood associations. Neighborhood associations at Highland Park, Highland Estates and Sheepford Crossing already do informal upkeep of their parks. This would be a way to formalize the upkeep. The program is not to take responsibilities from the Parks Department, it is more to allow a specific group to be better stewards and take some ownership and pride in the appearance of the parks and fields they use. The program would probably be advertised through the Township newsletter to see what groups and organizations volunteer.

Vice-President BUCHER further inquired if the Township would put-up signs for recognition. Mr. Duncanson responded that after a group completes a successful year worth of care for the park they adopted, some type of sign or certificate would be placed in an information kiosk or something posted at the park.

Mr. Duncanson stressed that this program does not replace the Township's maintenance crews. It is assistance to those crews.

Commissioner YOUNG inquired how the agreement is extended from one year to the next. Mr. Duncanson advised that the group needs to notify the Township that they wish to continue

sponsorship. The Solicitor advised the Board that the signed agreement should be updated annually.

Mr. Duncanson advised the Board that the Recreation and Parks Board envisioned a list on the Township's website so it would be known which parks have been adopted and which ones still need sponsors. The Community Park as well as Wass Park could have several sponsors for different locations within the park.

Commissioner CHRIST asked if there have been groups inquiring about the program. Mr. Duncanson responded that the only group that has been aware has been Highland Park Neighborhood Association. They may have been at a meeting when it was discussed.

This will be an agenda item for the May 12, 2008.

**Discussion and Possible Action: Request Permission to Appoint a Committee to Open the Professional Moving Services Bid on May 9, 2008**

Mrs. Faust advised the Board that Staff would like to appoint a committee to open the Professional Moving Services bids on May 9, 2008 allowing presentation to the Board at their May 12, 2008 meeting. The bid is out and it is hoped to have potential bidders do an extensive walk-thru on Thursday, May 1.

Vice-President BUCHER moved to authorize the President of the Board of Commissioners to appoint a three-person committee to open the Professional Moving Services bids on May 9, 2008. Commissioner BLACK seconded the motion. Motion carried 5-0.

**COMMUNITY DEVELOPMENT**

**Discussion: SLD Docket No. 2008-01, Preliminary Subdivision Plan for Orchard Glen**

Mr. Flint advised the Board that this plan is a residential subdivision with 230 plus units. Most of the units are in Upper Allen Township with 27 units in Lower Allen Township. Those 27 units are the final phase and according to the phasing plan the Lower Allen section is in 2016. Due to steep slopes, there are areas where housing is not proposed. Open space is interspersed throughout areas of the development. This development will also add acreage to a 28-acre future Upper Allen Township park. Trails will connect portions of the neighborhood.

Mr. Flint further advised the Board that when the plan was originally submitted, Harrelson Road was designed as a complete road to the Township boundary, which is typical when planned for extension to the adjoining property. Township Staff has proposed that the two developments *not* be connected with full street access, eliminating direct access to Rossmoyne Road. The developer revised the plan that the last section of Harrelson Road be designed without curb and sidewalks, just as an 18-foot section. There are no homes that access that section of the street. The stormwater management basin is the only thing that accesses that section of the street and could also provide an emergency access to the adjacent property, if and when that property is

developed. It could be gated at times other than emergency and could also serve as a paved pedestrian access.

Mr. Flint stated that at this point the only unanswered question from the comments is the traffic impact study. There would be some impact from this development on two intersections in Lower Allen Township, those being Arcona/Lisburn and Rossmoyne/Lisburn. The impact would be approximately 2.2% of traffic. The Planning Commission recommended a contribution for improvements to those intersections be made, up to 2.2% of the cost of improvements.

Discussion ensued.

This will be a future agenda item.

**Discussion: SLD Docket No. 2008-03, Land Development Plan for State Road Site**

Mr. Flint advised the Board that this plan is a vacant property, includes some parking, combines six parcels into one, and construct a 12,000-square-foot office or flex type space building. Staff proposed improvements to the existing driveways, filling-in the gaps in sidewalk, curbing driveway entrances at the existing driveways as well as adding a fourth driveway. A stormwater management facility will be to the rear as well as an underground stormwater management facility under the parking lot. There is one notable waiver requested regarding the number of driveways. The Ordinance states one driveway per access per frontage per lot. Since it will be one lot, they will need the waiver to have the additional driveways. The H.O.P. application has been submitted to PENNDOT and is subject to PENNDOT approval.

Commissioner BLACK inquired if the Applicant was aware that this is in the Township's Comprehensive Plan as an emphasis area. Rick Jordan with Smith Land and Improvement Corporation identified himself to the Board. Mr. Jordan asked for clarification of "emphasis area". Commissioner BLACK responded that it is an area of concern. Commissioner BLACK expressed his concern regarding the number of driveways. He also asked if there was any effort to remove the residences. Mr. Jordan responded that they have approached the residents many times but to no avail. Two of the residences are rental facilities and the owner relies on the money for retirement income. He has told the Applicant that at some point in time he will contact them regarding sale of the properties. Commissioner BLACK inquired why the Applicant feels they need the highway access to the extreme western side. Mr. Jordan responded that it is necessary to access the back of the property for truck traffic. In addition, that is how the people access the residences. There is no parking in the back except for the residents.

Eric Brinser, Rettew Associates, identified himself to the Board. Mr. Brinser advised the Board that they were also looking at it as an emergency access standpoint so fire trucks or ambulances would be able to access the site through that driveway, come around to the back of the building and exit through the eastern side of the site. It will also improve circulation to the site for trash pick-up, etc.

Vice-President BUCHER inquired if the residents have a legal right to park on the property. Mr. Brinser responded that he does not believe so as they have not found it in their legal search. Mr.

Brinser further responded that while the Applicant may not be responsible to provide parking, residents do not have driveway access on State Street and the Applicant is providing the access easement to allow them access the properties.

Commissioner YOUNG agreed with Commissioner BLACK's concerns regarding the number of driveways and did not understand the need for all four.

President TITZEL inquired as to the distance between the east entrance and the west entrance. Mr. Brinser advised that the property is approximately 882-feet long. The distance between the east and west entrances would be in the range of 800-feet. The driveway on the far eastern end has parallel parking along the building which would be maintained.

Commissioner BLACK inquired if the eastern access is used. Mr. Jordan advised that jersey barriers were installed behind 220 State Road, which is the second building, because it became a racetrack when it was open. With the new entrance, it brings it to more of a right turn and will better control traffic.

Mr. Jordan inquired if the problem is because the Applicant consolidating six lots into one. Commissioner BLACK responded that it is not the case. Consolidating the lots is a benefit; the number of accesses is the concern. Closing the eastern and western entrances would be the best approach which flow the traffic back through the site. Mr. Jordan stated that he could agree on not needing the eastern entrance. From a historical standpoint, there is a lot of traffic at the western entrance. It was Mr. Jordan's feeling that in order to attract tenants to the building, the western entrance should be open.

Commissioner BLACK reiterated his concern on the current access points. He inquired if the Applicant has filed an H.O.P. and if so, has PENNDOT responded. Mr. Brinser advised that an H.O.P. has been filed but no response has been received to date.

Commissioner YOUNG inquired as to the Planning Commission's recommendation. Mr. Flint advised that the Planning Commission recommended approval subject to comments of Staff and County comments.

Commissioner CHRIST agreed with Commissioner BLACK's concern regarding the eastern entrance but agreed with the Applicant that the western entrance should remain open.

This will be an agenda item after receipt of PENNDOT's response to the H.O.P. application.

**Discussion: SLD Docket No. 2008-04, Land Development Plan for Skyline Steel (Pennsylvania Pipe)**

Mr. Flint advised the Board that this proposal is for a new 13,000-square-foot manufacturing building. The building is proposed for the western end of the property and would be another manufacturing facility to do additional work similar to what is currently performed. There would be some stormwater management that drains down to an existing cross-pipe on Hartzdale

Drive. There will be no significant traffic impacts or increases and there will be seven (7) new manufacturing jobs.

Mr. Flint advised the Board that the Planning Commission recommended approval subject to comments. The Planning Commission also recommended approval of the waiver requests for curb and sidewalk on Hartzdale and St. John's.

Jon Carty, Brinjac Engineers, identified himself to the Board. Mr. Carty advised that the waiver for curb and sidewalk was requested as it would not lead to anything at the current time. Mr. Carty further advised that the language proposed is a waiver until such time as would be necessary. Mr. Flint advised that Utley Drive is a private street so the sidewalk would go as far as the right-of-way of the Applicant's property but would not reach Utley Drive. Commissioner BLACK inquired whose property the Applicant would have to go through to connect with the sidewalk at Utley Drive. Mr. Flint advised that it was the owner of the Business Center. Commissioner BLACK suggested Staff review the Business Center's land development plans to determine if there is a note that there is a waiver until such time as is considered necessary. That way the sidewalk would be complete up to Utley Drive. Mr. Flint advised he would determine if the note was on the plans and report to the Board as to his findings.

This will be a future agenda item.

#### **Discussion RE: Potential Vacation of Short Street**

Mr. Flint advised the Board that he and the Township Manager met with the concerned property owner. Some of the concerns had to do with landscaping and trees on their property. It was determined that whether or not the street was abandoned, the trees would be removed due to the location of new underground utilities. A way to meet the property owner's concern without vacating the street or altering the proposed right-of-way and construction plans would be to make Short Street a one-way traffic pattern with angled parking on one side of the street. The business's need for parking would be accommodated by maintaining parking in front of the building as well as allow access for all vehicles on a public street. The only thing that would need to be done would be for the Township to enact a one-way traffic pattern.

The Board was in agreement with the resolution of the issue.

#### **Discussion and Possible Action: Resolution 2008-R-14, a Resolution Accepting Dedication of a Portion of Yetter Court as a Public Street, Contingent upon Receipt of Financial Security to Secure Structural Integrity of Dedicated Improvements**

Mr. Flint advised the Board that this issue is very critical for the owner. The Yetter Court warehouse project was approved in 2004. The owner thinks they have an interested buyer and are going through due diligence. One of the items that must be completed for the sale is to have the street dedicated. The only section of the street being dedicated is the cul-de-sac on their property.

Mr. Flint further advised that the Applicant has provided a signed Deed of Dedication. The Applicant is waiting for a Performance Guarantee from their surety company for the eighteen month maintenance period on that section of the street.

Commissioner CHRIST moved to approve **Resolution 2008-R-14**, a resolution accepting dedication of a portion of Yetter Court as a public street, contingent upon receipt of financial security to secure structural integrity of dedicated improvements. Commissioner YOUNG seconded the motion. Motion carried 5-0.

## **MANAGER**

### **Discussion: Response to Mr. Grumbine's Letter of March 24 Requesting the Board of Commissioners Act on Liberty Forge's Conservation Park Overlay District Application**

Mr. Vernau advised the Board that approximately four weeks ago, Mr. Grumbine from Liberty Forge provided the Board with a letter regarding the Conservation Park Overlay District amendment. The letter requested immediate action be taken on their proposed amendment.

Commissioner CHRIST stated that the process has started. A written recommendation from the County Planning Commission has been received. The Board is awaiting a response on its directive to the Township's Planning Commission. Following receipt of that response, a public hearing would be in order, at which point in time all the pros and cons can be heard before a final decision can be made.

Commissioner BLACK advised that the Recreation and Parks Board received its assignment last week to look into the recreational aspects and make a recommendation.

Commissioner BLACK stated that the Township agencies are diligently pursuing analysis and recommendation. Commissioner BLACK asked Mr. Grumbine if he is still insisting immediate action be taken. Mr. Grumbine responded that what has been done so far indicates that the process is moving. His letter was written before Liberty Forge received any communication that action was being taken.

Vice-President BUCHER inquired if the Township Staff's overlay is progressing also. Mr. Flint responded that it was. He further explained that the two overlays are not comparable as they are doing two different things.

President TITZEL asked for clarification as to whether or not the Township Planning Commission was ready to make a presentation to the Board of Commissioners. Mr. Vernau advised that a special consultant has been appointed as per the Planning Commission's request. The consultant will be visiting the Planning Commission meeting on May 20 to answer the Commission's questions. The May 20 meeting is an educational meeting and they probably would not be ready to make a decision.

Randy Brown identified himself to the Board. Mr. Brown was confused about the timing and Mr. Grumbine's request due to the letter being dated March 24. Mr. Brown stated that asking the Commissioners to move at this point confuses him because he was at the Cumberland County Planning Commission meeting where they made it very clear that they were against this proposal. Mr. Brown further stated that he was at the Township Planning Commission meeting where they asked for assistance and tabled action. Mr. Kaplan, the attorney representing Liberty Forge, acclaimed their decision to get additional education and said he was much in favor of them being more knowledgeable before a decision was made.

With regard to the Lower Allen Township Planning Commission's request for assistance, Mr. Brown asked for the name of the special consultant who was appointed. Mr. Flint advised that the company name is Johnson Mirmiran and Thompson Inc. but he is not certain who would actually be attending. Mr. Brown asked for clarification that someone from JMT would be present at the next Township Planning Commission meeting and there would be an open discussion to help educate the Commission members. Mr. Vernau emphasized that the special consultant will be at the meeting to educate the Planning Commission as to what constitutes an overlay district and whatever other questions the Commission members might have.

Mr. Brown also asked for clarification that there was nothing from the Board of Commissioners at this meeting that they had any inclination to side step a public hearing before any action was taken. Commissioner BLACK responded that side stepping a public hearing cannot be done.

Mr. Brown thanked the Board for its time.

### **Discussion: Naming of the Nature Trail at Lower Allen Community Park**

Mr. Vernau advised the Board that the issue of the nature trail and the Garstads is still before the Board. It was discussed at the Recreation and Parks Board meeting last week and the Board was in favor of naming the nature trail. The Parks and Recreation Board's recommendation was to name the trail the George and Rita Garstad Nature Trail.

The Recreation and Parks Board also suggested the Township look into the standards as far as what is required for naming.

Reverend Steve Garstad has established a fund and requested that donations be sent to the Township for upkeep of the trail. A number of Rev. Garstad's suggestions are along the same lines as an Eagle Scout project. The Eagle Scout is putting up a kiosk at the head of the trail and that would be a good place to put the name of the trail. If Rev. Garstad agreed, some of the money in the fund could be used for a beautification project at the park by a Boy Scout or Girl Scout.

Formal naming will be an agenda item for May 12, 2008.

## **EXECUTIVE SESSION**

There was no Executive Session.

## **OTHER BUSINESS**

Mr. Williamson thanked the Commissioners who attended the Health and Safety Day on Saturday, April 26. It was a well attended event.

Mrs. Faust advised the Board that employees are gearing up for the move. Hopefully there will not be too much inconvenience for the residents.

Mrs. Faust advised that the Gardeners Gathering at the Community Park was a successful event. The composting seminars were very popular. Mrs. Faust estimated that there were 75 to 100 people who attended throughout the day.

Mrs. Dietel advised the Board that the yard waste containers have been received and are going out quickly.

Mrs. Dietel advised the Board that the financials for 2007 were pretty much as forecasted.

Commissioner YOUNG complimented Staff on the tremendous job they did for Public Safety Day.

Commissioner CHRIST apologized for not being able to attend the Public Safety Day.

Commissioner CHRIST asked the Board to perhaps reconsider its support of the COG's lawsuit in regard to the Chesapeake Bay Tributary Strategy. He asked the Board to consider joining the Authority in its support of the lawsuit. The Authority has joined the suit and it may be something to consider for the next agenda.

President TITZEL appointed the following committee to open the moving bids:

Tom Vernau, Chairman  
Jan Faust  
Dan Flint  
Vice-President Bucher

## **ADJOURN**

The Regular Meeting of the Board of Commissioners adjourned at 9:14 p.m.

## **ATTENDANCE REGISTER**

An Attendance Register is made part of this record.