

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

MAY 12, 2008

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

TOWNSHIP PERSONNEL

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

Thomas Vernau, Manager
Jan Faust, Assistant Manager
Daniel Flint, Community Development
Nancy Dietel, Finance Director
Rodney Mumma, LAT Fire Chief
Christopher Yohn, EMS Captain
Sgt. Leon Crone, LAT PD
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.

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.

PROFESSIONAL MOVING SERVICES BID RESULTS AND AWARD

Mrs. Faust advised the Commissioners that bids for professional moving services were opened on Friday. Three companies did a walk-thru on May 1, 2008. The following companies submitted bids for the project:

Harrisburg Storage Company
New Cumberland, PA

BID AMOUNT: \$18,503.00

Office Movers
New Castle, DE

BID AMOUNT: \$48,886.00

Commissioner YOUNG moved to award the contract for professional moving services to Harrisburg Storage Company in the amount of \$18,503.00. Commissioner CHRIST seconded the motion. Motion carried 5-0.

RECESS TO PUBLIC HEARING: ZOA 2008-01 VERTICAL PROPERTIES

At 7:34 p.m., the Regular Meeting of the Board of Commissioners recessed for a public hearing regarding ZOA 2008-01, Vertical Properties.

Commissioner BLACK advised the Commissioners that he would abstain from any discussion regarding ZOA 2008-01, Vertical Properties due a conflict of interest as his firm is currently doing work on this project.

ADJOURN PUBLIC HEARING

The public hearing regarding ZOA 2008-01, Vertical Properties adjourned at 7:49 p.m.

RECONVENE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

The Regular Meeting of the Board of Commissioners reconvened at 7:50 p.m.

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 May 8, 2008 in the amount of \$287,838.02. A manual check list for the month of April 2008 in the amount of \$304.00.
2. Waiver of the requirement contained in Section 1173.04 to submit a Preliminary Plan for SLD Docket #2008-04, Land Development Plan for Skyline Steel.
3. Waiver of the requirement contained in Section 1181.09 to provide sidewalks on St. Johns Road and on the south side of Hartzdale Drive for SLD Docket

#2008-04, Final Land Development Plan for Skyline Steel, 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.

4. Waiver of the requirement contained in Section 1181.07 to provide curbs on St. Johns Road and on the south side of Hartzdale Drive for SLD Docket #2008-04, Final Land Development Plan for Skyline Steel, 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. Waiver of the requirement contained in Section 1177.02(a)(8) to provide fill-in paving on St. Johns Road and on the south side of Hartzdale Drive for SLD Docket #2008-04, Final Land Development Plan for Skyline Steel 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.

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

6. SLD Docket #2008-04, Final Land Development Plan for Skyline Steel, 1250 St. Johns Road, contingent upon the following:
 - a. Erosion and Sediment Pollution Control Plan approval by Cumberland County Conservation District.
 - b. Sewage Planning or exemption approval by Lower Allen Township Authority and the Pennsylvania Department of Environmental Protection.
 - c. Executing the Developers Agreement and providing financial security for certain improvements.
 - d. Executing the Standard Stormwater Facilities and BMP Maintenance and Monitoring Agreement.
7. Approval of Adopt-A-Park Program.
8. Approve naming the nature trail at Lower Allen Community Park "The George and Rita Garstad Nature Trail".

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.

There was no response.

PUBLIC SAFETY

Discussion and Possible Action: Fitness Room Equipment for New Municipal Services Center

Sgt. Crone advised the Commissioners that the total price for the equipment for the fitness room is \$28,101.60. Approval was requested so the equipment can be in place as soon as possible.

Commissioner YOUNG asked for clarification that the fitness room would negate the need for the membership at Golds Gym. Sgt. Crone responded that may not be the case. There are people still using the Golds Gym memberships since Golds Gym provides additional equipment, personal trainers, etc. that would not be in the fitness room. The fitness room would be open to all Township employees, not strictly for the Police Department.

Discussion ensued.

Commissioner YOUNG moved to authorize the purchase of fitness room equipment at the price of \$28,101.60 for the new Municipal Services Center. Commissioner BLACK seconded the motion. Motion carried 5-0.

Discussion and Possible Action: Purchase of a Network Printer/Copier/Fax Machine for the Police Department Records Office

Sgt. Crone advised the Commissioners that in the new building the Police Department will be separated over three floors. The copier currently in the Police Department will be retained on the third floor for the Police Officers and Administrative Staff leaving the Records Office section without a copier within reasonable distance. \$15,000.00 has been budgeted for a copier for the Records Office. The printer/copier/fax machine that meets the needs has a price of \$8,935.00 plus \$320.00 installation charge. Purchasing the combination machine eliminates the need to purchase a separate fax machine. One of the reasons a copier is needed for the Records Office is the security of the documents being printed. Criminal history information, faxes coming from the county dispatch center, etc. will be coming through this machine. Protocols established by the Pennsylvania State Police as well as the Department of Transportation require sensitive information be secured to the Records Office.

Vice-President BUCHER moved to authorize the purchase of a Konica Minolta Bizhub C353 full color digital copier at a price of \$9,255.00 including installation costs. Commissioner BLACK seconded the motion. Motion carried 5-0.

Discussion and Action: Bid Award for 2009 NFPA Compliant 100' Rearmount Aerial Platform to Pierce Manufacturing

Chief Mumma advised the Commissioners that with bid award tonight, they will be ahead of the manufacturer's price increase and as well as the new NFPA requirements that would raise the price of the device by approximately \$30,000.00. The new NFPA requirements go into effect in August and the manufacturer's price increase is effective in June.

Discussion ensued.

Commissioner YOUNG moved to accept the bid as submitted and adjusted from Pierce Manufacturing for a 2009 NFPA Compliant 100' Rearmount Aerial Platform with discounts as applicable taken into consideration. Commissioner BLACK seconded the motion. Motion carried 5-0.

Discussion and Possible Action: Sale of 1992 Pierce 100' Aerial to Saxton Fire Company of Bedford County Pennsylvania

Chief Mumma stated that the last meeting he spoke to the Commissioners regarding an offer to purchase the fire department's current aerial truck. The Saxton Fire Company has received their funding numbers and wants to move into a final contract/agreement of sale. The Township's fire company still feels this is the best deal at this point. The interest in the truck since speaking with Saxton has not materialized into anything solid. A 10% deposit has been received as well as Saxton's signed end of the contractual agreement.

Chief Mumma requested authorization to sell the current tower truck to the Saxton Fire Department knowing that the current aerial truck will be retained until the new one is in service, which will be approximately March 2009.

Discussion ensued.

Vice-President BUCHER moved to authorize Staff and the Solicitor to develop a contract to sell the 1992 Pierce 100' Aerial to Saxton Fire Company of Bedford County Pennsylvania for \$200,000.00. Commissioner BLACK seconded the motion. Motion carried 5-0.

Discussion and Possible Action: Filling a Potential Full Time EMT Vacancy

Chief Yohn advised the Commissioners that one of the Township's full time Emergency Medical Technicians may be leaving employment with the Township in June.

During the strategic planning meetings, it was discussed that in the future EMT vacancies would be filled with Public Safety Officers. At this point in time, there is no salary budget for Public Safety Officers. Hiring at the entry level EMT position, there is a \$2.00 per hour savings. Hiring and training a PSO would take approximately 3 to 4 months. Putting a current part-time EMT on staff on a full-time basis would take approximately 30-45 days.

Chief Yohn further advised the Commissioners that he currently has three part-time EMTs who are eager to secure a full-time EMS position with the Township.

Commissioner BLACK inquired if the three part-time EMTs are interested in getting additional training to become qualified as a PSO. Chief Yohn advised that he would say no to two out of the three.

Extensive discussion ensued.

The Commissioners requested Mrs. Dietel provide different financial scenarios for their review. Mrs. Dietel advised that she will prepare the requested scenarios.

This will be an agenda item for May 26, 2008.

COMMUNITY DEVELOPMENT

Discussion: Zoning Hearing Board Dockets

Mr. Eby advised the Commissioners that there are no Zoning Hearing Dockets from the past month to be discussed.

Mr. Eby further advised that an application was filed by the owner of Juice & Java in February but has been on hold. The Applicant purchased the former Mansion at Greens. The reason it has been on hold is due to the Applicant working with a land development plan and the land development plan cannot proceed until zoning issues are resolved. The Zoning Hearing Board would have to grant relief from a number of variances and requests to allow the land development plan to proceed. The Applicant was also negotiating with the neighboring property owner to obtain a joint driveway easement agreement for an existing driveway to the left side of the property. With the easement agreement being accomplished, it negated some of the relief that would otherwise have had to have been obtain through the Zoning Hearing Board.

The concept is to have another Juice & Java restaurant, with this one having a one-way loop through the parking lot and a new driveway that would have to be approved by PENNDOT.

The issues are:

1. Zoning Boundary Line: R-3 allows homes and businesses. A drive-thru is allowed in the General Commercial District but not in the Residential District.

This lot is backward in terms of operational abilities. The lot is narrow at the rear of the property and there is an existing building.

2. The Applicant is asking for a variance from the rule for dimensional requirement for the drive-thru. They are off by 25.7 feet.
3. The Applicant also needs a variance for part of the parking as one section is less than the prescribed 10-feet from the building. Same applies to the handicapped parking. Parking will be parallel to the building, not toward the building.
4. Eliminate off-street loading and unloading space.
5. The Township's ordinance does not provide for a drive-thru stacking requirement for this type of business. This drive-thru is for beverage pick-up only.

Discussion ensued.

The Applicant has requested this docket be listed for a June hearing. Staff recommended participation of the Solicitor. The Commissioners concurred with Staff's recommendation.

Discussion: Requiring Installation of Sidewalk for a Property on Hartzdale Drive

Mr. Flint advised the Commissioners that this issue is related to the action earlier in the Agenda to approve the Land Development Plan for Skyline Steel.

At Utley Drive there are approximately 20-feet between where Skyline Steel's sidewalk would end and the curb at Utley Drive, which is a private street. The question was raised at the last meeting regarding the ownership of that section and the possibility of having the sidewalk installed.

Mr. Flint further advised the Board that he reviewed past development plans for that property and there was no note specifically put on the plan. The plan predated the start of that practice. There was some discussion in the Minutes regarding sidewalk when the plan was brought to the Board at that time. Mr. Flint could not find any specific action where a waiver was granted or language that it was an obligation that any time in the future that sidewalk would have to be installed. However, the Commissioners always have the option from the Township Code and Ordinances to compel the property owner to install sidewalk along the street frontage.

Mr. Flint advised the Commissioners that the property is owned by Reba PBC Westley TIC 60 LLC, mailing address Reba Management Advisors LLC, 75 Utley Drive.

Staff was authorized to begin the process of contacting the property owner advising that sidewalk will be required to be installed.

Discussion: Request for Security Reduction No. 5 for SLD Docket No. 2055-22, Heights of Beacon Hill, Phase 3

Mr. Flint advised the Commissioners that a request was received from the developer of the Heights of Beacon Hill, Phase 3, for a reduction in their security. Substantial work has been completed on the construction of curbs and streets.

This will be an agenda item for May 27, 2008.

Zoning Ordinance Update

Mr. Flint advised the Commissioners that the writing of the ordinance is essentially completed.

It is hoped to have the draft ordinance in printed form and distributed so Staff could be authorized to distribute for review by the Township's Planning Committee and by County Planning. It would also be available for public review.

Mr. Flint further advised that he is not asking at this time to schedule a public hearing. The ordinance will take a fair amount of time for review.

Following shortly thereafter will be the zoning map and proposed changes to the map.

Staff requested the Zoning Ordinance and Zoning Map be adopted at the same time.

Direct Solicitor to Prepare Adjudication on Public Hearing RE ZOA 2008-01, Vertical Properties

Mr. Flint requested the Commissioners direct the Solicitor to prepare an adjudication on tonight's public hearing regarding ZOA 2008-01, Vertical Properties.

Commissioner CHRIST moved to direct the Solicitor to prepare an adjudication of the public hearing ZOA 2008-01, Vertical Properties in the affirmative granting the request as proposed by Staff. Vice-President BUCHER seconded the motion. Motion carried 4-0-1, Commissioner BLACK abstaining due to a conflict of interest.

MANAGER

Discussion: Reconsideration of the CapCOG Lawsuit Against DEP

Mr. Vernau advised that the CapCOG lawsuit against the Department of Environmental Protection pertains to the Chesapeake Bay initiatives.

Commissioner CHRIST advised the Commissioners that the rest of the COG has supported the lawsuit and recommended that the Commissioners support the Authority in its support of the lawsuit.

Vice-President BUCHER advised the Commissioners that the Authority is involved in the COG lawsuit because the Chesapeake Bay Foundation filed a suit against the issuance of the Authority's permit. The Authority has joined the COG lawsuit and hopefully the COG lawsuit will move quicker than the Chesapeake Bay Foundation's suit against DEP. If the lawsuit is resolved to the COG's benefit, it may negate the suit against the Authority.

The Solicitor advised the Commissioners that the Environmental Hearing Board Appeal probably would not go to hearing until sometime in 2009 and it is hoped that the COG lawsuit would proceed faster in Commonwealth Court.

The Solicitor further advised that DEP has issued an answer to COG's lawsuit. However, he has not seen the answer but understood that the answer was filed on May 2, 2008. The Authority has special counsel for these two pieces of litigation as they needed someone with more environmental experience.

Commissioner BLACK moved to support and join the CapCOG lawsuit against DEP. Commissioner YOUNG seconded the motion. Motion carried 5-0.

Discussion: Municipal Services Center Sign Design

Mr. Vernau advised the Commissioners that some time ago discussion took place regarding a sign for the new building and at that time the Commissioners were interested in having the sign contain the Township's name larger than any type on the electronic message board.

Mr. Vernau reviewed another design submitted by Mr. Wenger. If this is the type of design that fits the Commissioners concept, Mr. Vernau wanted to begin putting together specifications. The sign is going to exceed \$10,000.00 and will have to go out to bid.

Discussion ensued.

Staff was directed to move forward with the sign concept.

Discussion: Request for Release of Railroad Grade Separation Funds

Mr. Vernau stated that previously several residents requested the Commissioners consider a resolution to the Commonwealth to release the \$9 million railroad grade separation funds.

Mr. Vernau advised the Commissioners that \$9 million dollars is on the Capital Budget list but the money is not specifically set aside for the project. Last August, \$5 million was approximated for a minimum cost for the grade separation. \$1.5 million has already been pledged to this project with Cumberland County contributing \$500,000.00 and PENNDOT contributing \$1 million.

Cumberland County's feeling is that there is very little chance that the Commonwealth will release money for this project from its Capital Budget. It was also felt that doing a resolution

and getting other West Shore municipalities to do the same may help in getting some of that money released.

Another issue is that if Norfolk Southern moves forward with its plan, it will negatively impact the location of future commuter lines. Any future attempt to go over or under the Norfolk Southern tracks would be much more expensive.

Mr. Vernau emphasized that the resolution does not commit the Township to any financial support of future commuter lines.

Discussion ensued.

Mr. Vernau was directed to contact neighboring municipalities to determine their position and report to the Commissioners at a future meeting.

Discussion: Invitations to Tour PAWC's West Shore Water Treatment Plant and the HACC Public Safety Training Facility

Mr. Vernau advised the Commissioners that an open invitation has been received from PAWC's West Shore Water Treatment Plant to tour the plant.

An open invitation was also received from HACC's Public Safety Training Program to tour its facility. Mr. Vernau will coordinate the tours.

OTHER BUSINESS

Commissioner BLACK stated at the last meeting LB Smith was here with their plan for Gettysburg Road. It was alluded to the fact that in the Township's Comprehensive Plan they are in one of the Township's development areas and that the Township would wait until PENNDOT's decision is received. It is possible that PENNDOT would not have a problem with four driveways. If they stay with four entrances, they would have to be granted a waiver as it is not in line with the Township's ordinance. Commissioner BLACK felt that LB Smith is owed a directive now if the Commissioners are not going to approve the four driveways, rather than waiting until after PENNDOT's decision. Mr. Flint advised that on Friday the first round of comments from PENNDOT was received and they did not comment on the number of driveways. Extensive discussion ensued. Staff was directed to convey to LB Smith that the Commissioners want no more than two driveways and to permit access to the rear of the private residences.

Commissioner BLACK advised the Commissioners that Frank Linn gave him a 5' x 8' US flag and requested it be flown over the new Municipal Services Center. Commissioner BLACK presented the flag to Mr. Vernau.

President TITZEL asked if any information had been obtained concerning the exploration of a redevelopment authority. Mr. Vernau advised that the information will be compiled as soon as the move into the new building is completed.

President TITZEL advised the Commissioners that he was asked by an interested individual what the Township was going to do with the metal building by the Barn and asked if the Township would consider selling it to him. This individual would disassemble it and remove it from Township property. Mr. Vernau advised that the building will be removed one way or another. President TITZEL advised that he will have the gentleman contact Mr. Vernau directly.

President TITZEL advised the Commissioners that the West Shore School District's Municipal Recognition will take place at 6:00 p.m. on May 15 and inquired which Commissioners would be attending. Commissioner YOUNG indicated that he would represent the Township.

Commissioner YOUNG advised the Commissioners that he has been approached several times as to PENNDOT's status regarding the traffic light at the entrance to 2233 Gettysburg Road. Mr. Flint responded that PENNDOT's position at this point is that a flashing light will be installed.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURN

The Regular Meeting of the Board of Commissioners adjourned at 9:40 p.m.

ATTENDANCE REGISTER

An Attendance Register is made part of this record.