

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

May 14, 2007

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

TOWNSHIP PERSONNEL

John T. Titzel
Lloyd W. Bucher
Peddrick M. Young, Sr.

Thomas Vernau, Manager
Jan Faust, Assistant Manager
Nancy Dietel, Finance Director
H. Edward Black Daniel Flint,
Community Development
Dan Christ John Eby, Township
Planning and Zoning
Coordinator
Frank Williamson, Public Safety Director
Danna Lutes, Administrative Secretary
Chief Charles Snyder, LAT Police Dept
Christopher Yohn, EMS Captain
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 MARCH 26, 2007 REGULAR MEETING OF THE BOARD OF COMMISSIONERS

Commissioner YOUNG moved to approve the Minutes from the March 26, 2007 Regular Meeting of the Board of Commissioners as submitted. Commissioner CHRIST seconded the motion. Motion carried 5-0.

APPROVAL OF MINUTES FROM APRIL 9, 2007 REGULAR MEETING OF THE BOARD OF COMMISSIONERS

Commissioner CHRIST moved to approve the Minutes from the March 26, 2007 Regular Meeting of the Board of Commissioners as submitted. Vice-President BUCHER seconded the motion. Motion carried 5-0.

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 inquired 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 any item(s) on the Consent Agenda. There was no response.

Commissioner BLACK moved to approve the items on the Consent Agenda, those items being:

1. Warrants Journal of May 11, 2007 in the amount of \$150,913.25.
2. Executing Developers Financial Security Agreement with Dairy Farmers of America, Inc. for SLD Docket #2007-02, Final Land Development Plan for Starbucks, establishing a security amount of \$15,462.59 and an expiration date of April 10, 2008.
3. Executing Developers Financial Security Agreement with R. Hart Enterprises, Inc. for SLD Docket #2006-06, Final Subdivision Plan for Village at Fair Oaks, establishing a security amount of \$154,834.35 and an expiration date of November 30, 2007.
4. Waiver of the requirement contained in Section 1173.04 to submit a Preliminary Plan for SLD Docket #2007-03, Land Development Plan for Brewhouse Grille.
5. Modification of the requirement contained in Section 1181.09 to provide sidewalks for SLD Docket #2007-03, Final Land Development Plan for Brewhouse Grille, allowing delineation of a walkway on existing pavement, until such time as the installation of sidewalks 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. SLD Docket #2007-03, Final Land Development Plan for Brewhouse Grille, 2050 State Road.

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

**ACCEPT RESIGNATION LETTER SUBMITTED BY RICHARD MELLINGER,
HUMAN RESOURCES SPECIALIST**

Commissioner YOUNG moved to accept with regret the resignation letter submitted by Richard Mellinger, Human Resources Specialist, effective May 25, 2007. Vice-President BUCHER seconded the motion. Motion carried 5-0.

ADMINISTRATIVE SERVICES

Discussion RE: Salary Cap Follow-Up

Mrs. Faust advised the Board this discussion is a following-up, from the last Board of Commissioners meeting, on the salary-cap proposal for employees who have reached the top of their pay band. At that meeting, the Commissioners requested several examples using the proposed formula and how it would play-out. Mrs. Faust reviewed the figures provided to the Commissioners, including the minimum and maximum.

Extensive discussion ensued.

The Commissioners expressed their concern that the increase is based solely on the number of persons in the household, which is not the case with the annual increase.

Mrs. Faust advised the Board that she would re-work the figures based on the Commissioners comments and it will be a future agenda item.

RECESS BOARD OF COMMISSIONERS REGULAR MEETING

The Regular Meeting of the Board of Commissioners recessed at 7:52 p.m.

**CONVENE PUBLIC HEARING REGARDING PETITION OF DAVID AND NANCY
HOANG TO APPEAL SEWAGE ENFORCEMENT OFFICER'S RULING**

The Public Hearing regarding the petition of David and Nancy Hoang to appeal the Sewage Enforcement Officer's ruling convened at 7:53 p.m.

**ADJOURN PUBLIC HEARING REGARDING PETITION OF DAVID AND NANCY
HOANG TO APPEAL SEWAGE ENFORCEMENT OFFICER'S RULING**

The Public Hearing regarding the petition of David and Nancy Hoang to appeal the Sewage Enforcement Officer's ruling adjourned at 9:56 p.m.

RECONVENE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

The Regular Meeting of the Board of Commissioners reconvened at 10:04 p.m.

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.

COMMUNITY DEVELOPMENT

Discussion RE: Zoning Hearing Board Dockets

Mr. Eby advised the Board that two Zoning Hearing Board Dockets were subject of hearings in April:

Docket No. 2007-03, B. J. McNealy, 3045 Lisburn Road, Wellness Center

This was the second time this docket was before the Zoning Hearing Board. The Commissioners did not direct the Solicitor to actively oppose the application. The special exception was to clarify if Ms. McNealy could have employees.

The Zoning Hearing Board turned down this docket. They felt the employees were an adjunct to the yoga business and not actual employees of the yoga business.

Docket No. 2007-04, Kurt Kruzin, 2880 Gettysburg Road, Proposed Veterinary Clinic

A large number of variances required to have parking in the front yard.

The Zoning Hearing Board turned down this docket. The decision reflects the Zoning Hearing Board's concern with how much relief was required to make it work.

Mr. Eby advised the Board that there are two new dockets for the upcoming hearing:

Docket No. 2007-05, Gerald Powell, 19 Courtland Road

This is another carport request. Staff discussion indicates that the application should stand on its own merits. The applicant will be able to prove that the carport would not be out of character for the neighborhood and is not asking for more relief than needed. It goes back to the time when zoning allowed a carport at 2-feet from the lot line. There are a lot of carports in that neighborhood with similar circumstances.

Docket No. 2007-06, Patrick Espinoza, 38 Oneida Road

This is at the corner of Oneida and Gettysburg Roads and is a proposal to establish a family daycare for up to six (6) children, and a sign up to 6-square-feet (as allowed by the Township).

This is the third or fourth application received where the applicant has criteria, meets the criteria and it should be approved.

There is a variance request. The requirement is to have off-street drop-off and pick-up spaces available for a daycare. There is a unique situation where there is a paved PENNDOT road, then a grass island with mature Sycamore trees, then a parallel service drive and then the properties begin. The applicant contends that this will function much more safely for drop-off and pick-up of children than backing in and out of the driveway.

Staff consensus is to allow the Docket to stand on its own merits.

Discussion RE: Executing Standard Stormwater Facilities and Best Management (BMP) Maintenance and Monitoring Agreement with Donald Bruno, Property Owner at 4913 Woodbox Lane

Mr. Flint advised the Board that this is one of the four lots in the Capitol Development Group Subdivision. The small subdivision did not have a common stormwater management facility. Each of the four lots has its own on-lot stormwater management facility, requiring individual agreements. There is now a buyer for this property and Mr. Bruno has submitted the signed agreement.

This will be an agenda item for May 29, 2007.

Discussion RE: Executing the Standard Stormwater Facilities and Best Management Practices (BMP) Maintenance and Monitoring Agreement with Chris Fedoriw, Property Owner at 1403 Wellgate Lane

Mr. Flint advised the Board that this property is in Allen Estates where the design of the subdivision was with roadside swale. With the particular property, the swale was even enough and the property owner wanted to extend the driveway height and place part of the swale along the side of the road. The design was completed and an application for a permit to proceed was

submitted. With the installation of a stormwater management facility, the homeowner will be required to maintain this section of pipe even though it is in the street right-of-way.

This is a possible agenda item for May 29, 2007.

Discussion RE: Release of Financial Security for SLD Docket #2001-14, Final Land Development Plan for Bethany Village West

Mr. Flint advised the Board that this is from the original Bethany Village West construction. There were a few outstanding punch-list items from their stormwater management facilities, which are being completed.

This will be an agenda item for May 29, 2007.

Bids for Pavilion Roof Replacement

Mr. Flint advised the Board bids for pavilion roof replacement were opened several weeks ago. The lower bidder has been unresponsive in returning signed contracts. If the signed contracts are not received in the next few weeks, the Township may have to act on the bid bond and go to the second lowest bidder.

This may be an agenda item for May 29, 2007.

MANAGER

Discussion RE: Amendments to Chapter 113, Lighting Service Assessments

Discussion ensued regarding amendments to Chapter 113, Lighting Service Assessments

Mr. Vernau advised the Board that the amendments will be made to Chapter 113 and will be a future agenda item.

Discussion: EMSC Building Update

Mr. Vernau advised the Commissioners that construction is approximately two weeks behind schedule due to a large amount of rock being hit. In addition, what was originally referred to a sinkhole was actually a cavern. It took approximately 59-yards of concrete to fill the cavern. The only other issue was the use of rock-fill to bring up the low spots. There was some delay due to discussions regarding appropriate fill material.

Discussion ensued.

OTHER BUSINESS

Commissioner YOUNG advised the Board that New Cumberland Borough has withdrawn from all studies relative to the skate-park. At the special meeting on May 8 it was announced that Newberry Township had applied for a grant from York County in amount of \$22,250 on behalf of Newberry Township, Fairview Township, Lewisberry, and Goldsboro. As West Shore Recreation Center (WSRC) is the agency for them, WSRC is also available to receive part of the funding from the grant. Commissioner YOUNG further advised the Board that is was recommended to revert to Option A. Alternate Option B was originally adopted to cover the cost of the study. Since New Cumberland is refusing to participate, a motion to adopt Option A in the event the grant is not awarded has been requested. What that means to Lower Allen Township is that its share would increase from \$247.40 to \$515.06. The Board of Commissioners previously authorized the set amount of \$247.40. A letter from West Shore Rec is forthcoming requesting the additional monies. If the York County grant is approve, it would eliminate the cost of the feasibility study.

Commissioner BLACK advised the Board the he express to Carmen Williams his concern of WSR's possible move to Newberry Township. Commissioner YOUNG advised that at the Township's last Recreation and Park Board meeting, he suggested that Chairman write a letter to WSR stating the Board's concern regarding the potential move and suggest the Beacon Hill Radar Site as a possible location. The letter will come to the Board of Commissioners for review before it is mailed.

Vice-President BUCHER advised the Alliance Home in Carlisle took a tax exemption appeal all the way to the Supreme Court and won. It is likely that assisted-living facilities are going to be ruled tax-exempt. There are five or six in Cumberland County that will fall into that category, including Bethany Village. Discussion ensued.

RECESS TO EXECUTIVE SESSION

The Regular Meeting of the Board of Commissioners recessed to Executive Session at 10:48 p.m. to discuss:

- a. Vacancy/Promotion
- b. Agency Audit

RECONVENE REGULAR MEETING

The Regular Meeting of the Board of Commissioners reconvened at 11:22 p.m.

AUTHORIZE STAFF TO ADVERTISE FOR THE POSITION OF HUMAN RESOURCES ADMINISTRATIVE CLERK

Commissioner CHRIST moved to authorize Staff to advertise for the position of Human Resources Administrative Clerk. Commissioner YOUNG seconded the motion. Motion carried 5-0.

ADJOURN

The Regular Meeting of the Board of Commissioners adjourned at 11:24 p.m.

ATTENDANCE REGISTER

An Attendance Register is made part of the record.