

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

May 29, 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
Jan Faust, Assistant Manager
Nancy Dietel, Finance Director
Daniel Flint, Community Development
John Eby, Planning and Zoning Coordinator
Frank Williamson, Public Safety Director
Danna Lutes, Township Secretary
Chief Charles Snyder, LAT Police Dept.
Christopher Yohn, EMS Captain
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 APRIL 23, 2007 REGULAR MEETING

Commissioner CHRIST moved to approve the Minutes from the April 23, 2007 Regular Meeting of the Board of Commissioners as submitted. Commissioner YOUNG seconded the motion. Motion carried 5-0.

BID OPENING: LOWER ALLEN COMMUNITY PARK BOAT LAUNCH PROJECT – REBID

The following bids were received for the Lower Allen Community Park Boat Launch project rebid:

Kinsley Construction
York, PA

BID AMOUNT:

\$46,905.00

Hempt Bros.
Camp Hill, PA

BID AMOUNT: \$62,387.00

Doug Lamb
Elizabethtown, PA

BID AMOUNT: \$58,100.00

RECESS REGULAR MEETING

The Regular Meeting of the Board of Commissioners recessed at 7:36 p.m.

CONVENE PUBLIC HEARING: ZONING ORDINANCE AMENDMENT APPLICATION #2007-01, PROPOSING TO ESTABLISH FREESTANDING EATING ESTABLISHMENTS (EXCLUDING DRIVE-THROUGH AND FAST FOOD) WITHIN THE C-3 PLANNED BUSINESS CENTER DISTRICT AS A CONDITIONAL USE

The Public Hearing regarding Zoning Ordinance Amendment Application #2007-01, proposing to establish Freestanding Eating Establishments (excluding drive-through and fast food) within the C-3 Planned Business Center District as a Condition Use convened at 7:37 p.m.

ADJOURN PUBLIC HEARING

The Public Hearing regarding Zoning Ordinance Amendment Application #2007-01 adjourned at 7: 58 p.m.

RECONVENE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

The Regular Meeting of the Board of Commissioners reconvened at 7:59 p.m.

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 any Commissioner, Staff member or anyone in attendance could have any 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.

Commissioner CHRIST requested the Department Reports for the month of April 2007, including: Engineer, Public Works, Community Development, and Public Safety be removed from the Consent Agenda for further discussion.

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

1. Warrants Journal of May 25, 2007 in the amount of \$545,697.77.
2. Approve authorizing Staff to advertise amendments to Chapter 133 of the Codified Ordinances of Lower Allen Township, Lighting Assessments.
3. Approve payment application #1 for eciConstruction, LLC in the amount of \$398,386.39.
4. Executing the Standard Stormwater Facilities and Best Management Practices (BMP) Maintenance and Monitoring Agreement with Donald Bruno, property owner at 4913 Woodbox Lane.
5. Executing the Standard Stormwater Facilities and Best Management Practices (BMP) Maintenance and Monitoring Agreement with Chris Fedoriw, property owner at 1403 Wellgate Lane.
6. Release of Financial Security for SLD Docket #2001-14, Final Land Development Plan for Bethany Village West.
7. Approve payment of Invoice #13 to BASCO Associates in the amount of \$3,984.38 for professional services associated with the Emergency and Municipal Services Center.

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

APPROVE DEPARTMENT REPORTS FOR THE MONTH OF APRIL 2007

Commissioner CHRIST advised the Board that the Recreation and Parks Report for April was submitted but not listed an item on the Consent Agenda.

Commissioner CHRIST moved to approve the Department Reports for the Month of April 2007, those reports being: Engineer, Public Works, Community Development, Public Safety, and Recreation and Parks. Vice-President BUCHER seconded the motion. Motion carried 5-0.

APPROVE ORDINANCE 2007-07, AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING, MODIFYING AND CHANGING THE CODE OF THE TOWNSHIP OF LOWER ALLEN, 1997, BY AMENDING CHAPTER 180 SOLID WASTE

Vice-President BUCHER moved to approve **Ordinance 2007-07**, an ordinance of the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania, amending, modifying and changing the Code of the Township of Lower Allen, 1997, by amending Chapter 180 Solid Waste.

Roll call vote:	Commissioner Christ:	Aye
	Commissioner Young:	Aye
	Commissioner Black:	Aye
	Vice-President Bucher:	Aye
	President Titzel:	Aye

Ordinance 2007-07 was adopted by a 5-0 vote.

APPROVE TWO REPLACEMENT JOB DESCRIPTIONS – ONE FOR COMMUNITY AND HUMAN RESOURCES SPECIALIST REPLACING JOB DESCRIPTION CURRENTLY TITLED HUMAN RESOURCES SPECIALIST AND THE OTHER FOR ADMINISTRATIVE CLERK – CHR REPLACING JOB DESCRIPTION CURRENTLY TITLED ADMINISTRATIVE ASSISTANT – CHR

Commissioner YOUNG moved to approve two replacement job descriptions: one for Community and Human Resources Specialist replacing job description currently titled Human Resources Specialist; and the other for Administrative Clerk – CHR replacing job description currently titled Administrative Assistant – CHR. Commissioner BLACK seconded the motion. Motion carried 5-0.

APPROVE RESOLUTION 2007-R-18, A RESOLUTION APPOINTING THE POSITION OF COMMUNITY AND HUMAN RESOURCES SPECIALIST FOR COMMUNITY AND HUMAN RESOURCES

Commissioner CHRIST moved to approve **Resolution 2007-R-17**, a Resolution appointing a position of Community and Human Resources Specialist for Community and Human Resources. Vice-President BUCHER seconded the motion. Motion carried 5-0.

APPROVE ACCEPTING LETTER OF RESIGNATION OF OFFICER CHARLES BURCKHARDT EFFECTIVE JUNE 8, 2007

Commissioner YOUNG moved to approve accepting the letter of resignation of Officer Charles Burckhardt effective June 8, 2007. Commissioner BLACK seconded the motion. Motion carried 5-0.

ANY BUSINESS PERTINENT TO THE TOWNSHIP: DISCUSSIONS WILL BE LIMITED TO FIFTEEN (15) MINUTES PER PERSON

Charlie Yoe, 1402 Warwick Road, identified himself to the Board. Mr. Yoe advised the Board of numerous problems with students at Cedar Cliff High School parking their vehicles on the street. There have been 15-20 kids in his yard, parked cars are blocking driveways, and firecrackers have been set off in plastic soda bottles with pieces flying everywhere (police were called). Backing out of the driveway is very difficult. The street is 24 to 26-feet wide with parking on both sides by non-residents. Trash is not picked-up as the waste disposal truck driver refuses to go down the street. Emergency vehicles can not get through. He has contacted the school district about the problem and was told it is not the school district's problem.

Commissioner BLACK advised the Board that he has had a conversation about the problem, and expressed his disappointment that there is no communication between the Township and the school district. Mr. Vernau advised the Board that if there is no communication between the Township and the school district it is not for the lack of trying on the Township's part. The school district has been unresponsive to a number of issues including this one. Staff requested a meeting with the school district to discuss how more the school's parking lot could accommodate more cars. So far, Staff has not been able to establish a meeting date with the school district.

Betty Sawyer-Brown, 1315 Warwick Road, identified herself to the Board. Ms. Sawyer-Brown advised the Board that the problem is not just parking. It's a loitering and littering problem, but foremost it's a safety problem. It's a residential neighborhood, and she has jokingly referred to Warwick Road as a Cedar Cliff Parking Lot Annex. There was a meeting last June on this particular for this problem. The only thing that came out of that meeting was a crosswalk from the school across Carlisle Road, for safety reasons. Ms. Sawyer-Brown has also called Cedar Cliff High School about the problems, and was told that once the kids are off the school's property it is not their problem. Her yard and her neighbor's yard across the street have turned into an ashtray and a trash bin. Ms. Sawyer-Brown suggested having a police presence every day from 7:00 am to 7:45 am and from 2:30 p.m. to 3:00 p.m. The police have been in the area from time to time and it does deter the littering, loitering, foul language, etc. Ms. Sawyer-Brown inquired if it would be possible to have "No Parking Here to Corner" signs installed or yellow lines. She spoke with Mechanicsburg Borough, who had the same problem several years ago. She was told that they permit parking and signage in the residential neighborhoods around the school stating "Parking only from 7:00 a.m. to 10:00 p.m. Monday through Friday, September through May. Ms. Sawyer-Brown hopes that a solution can be reached by the beginning of the school year in the fall.

Mr. James Wilson, 5 West Shore Drive, identified himself to the Board. He and his wife have lived at that address for 40 years. The first few years an occasional student would park in the neighborhood. In the past two or three years it has gotten out-of-hand. Any school morning, from 6:45 to 7:00 a.m. on West Shore when the cars are parked on the curve at the baseball field it is very difficult to see coming in either direction. Both he and his wife have encountered abusive language on occasion; cigarettes butts have increased on properties, driveways and in the streets. Today, there was a car parked all day on the side marked "No Parking" and practically on the curve. Mr. Wilson stated that there has to be room on school property to expand parking. This year things have gotten considerably worse. Something needs to be done.

Ms. Angela Fogel, 3 West Shore Drive, identified herself to the Board. 3 West Shore Drive is right on the bend and directly across from the ball field. Ms. Fogel has resided at this address for approximately 6 years. There are number of issues involved when one chooses to live close to a school, but as taxpayer she has been sorely disappointed in the responsiveness of the school district in any number of issues within the last two years. Ms. Fogel suggested to the current superintendent that the school have an open forum where residents can discuss and address some of these issues. The school district was not able to fit it into their schedule. The parking issue has escalated and is very intensive from March until the last day for seniors. Students are leaving the school in the morning, running across the field, getting in cars and tearing out the street and returning approximately 40-minutes later. Last year she contacted the Police Department and advised of the problem and that it is very difficult to back out of a driveway due to the number of cars. She spoke to the gentleman in charge of doing a traffic study and was told that the Township liked parked cars because it instills a calming affect. Her question is who gets that calming affect, because it isn't the residents. She was told a traffic study would be done but she has not heard anything.

Mr. Charles Knipe, 310 Manchester Road, identified himself to the Board. He has been a teacher at Cedar Cliff since 1974; however he is appearing before the Board as a resident, not as a representative of the school district. Mr. Knipe advised the Board that in the 1970s and 1980s students were restricted from driving to school if they lived within a certain distance from the school. After that, the regulation was passed over as more and more students started driving to school for various reasons. At that time, all students who requested one was issued a parking sticker. A few students parked on the street. More recently, the school decided to limit the number of issued parking stickers to students, resulting in the influx of parking in residential neighborhoods. Not every student issued a sticker is going to drive every day, resulting in empty parking spaces on school property. In the spring, sophomores are getting their drivers license and also a car. As a resident, Mr. Knipe would like to see permit parking from 7:00 a.m. to 3:00 p.m. and parking one side of the street. Mr. Knipe further stated that that there is a smoking ban on school property. Once students cross the middle of Carlisle Road, they can smoke. Students are not to have cigarettes in their possession on school ground.

Scott Duncanson, 408 Norman Road identified himself to the Board. He lives at the bottom of Warwick Road and has tenth graders at Cedar Cliff High School. He agrees that when sophomores are getting their licenses there are more students driving in the spring. If their parents knew there was an issue with parking in the neighborhood, they would tell their kids not to park there or get a parking permit if available. Mr. Duncanson suggested the following:

1. Appreciates the new crosswalk.
2. There is a crossing guard at Highland. Traffic is just as heavy when the high school kids are crossing, as it is when the elementary school kids are crossing. Perhaps if the crossing guard's time was extended from earlier in the morning to cross the kids at Warwick; it may help keep some of the kids from congregating, smoking, etc.
3. For the short stretch of Warwick Road between Carlisle and Manchester, it would be helpful if there was parking one side of the street.

Nancy Dietel advised that she is addressing the Board on behalf of York Waste. A representative of York Waste stopped in the Township office this morning to apologize to the Warwick residents. He said the situation is very bad and they cannot get the truck down the street. There was one day they carried the individual bags out of the cans and carried them to the truck. York Waste's contracts states that they are not allowed in the neighborhoods before 7:00 a.m. and if they wait until after school is out for the day, the landfills are closed.

Commissioner BLACK suggested that parking restrictions could be implemented in phases.

Vice-President BUCHER asked if making parking on one side of the street year-round instead of just over the winter months would be a solution.

Commissioner BLACK suggested putting the school district on notice that beginning in the fall of 2007 the Township will be instituting permit parking as well as eliminating some street parking so the school district needs to accommodate its students on site.

Vice-President BUCHER inquired if permit parking would be considered how would parking be handled for patients of the doctor's office.

Discussion ensued.

MANAGER

Parking Issues Near Cedar Cliff High School

Mr. Vernau advised the Board that this issue initially came to light during the parking study in Highland a year or so ago. A survey was included in the winter newsletter and there were a total of thirteen (13) responses. Of those thirteen responses:

1. Five were not willing to comply with permit parking. They live there – why should they have to get a permit.
2. Three said they would be willing to comply with permit parking.
3. A couple people said they would support a complete ban on student parking on the side streets.

Mr. Vernau included a space on the survey for students to reply. The Township asked the school for assistance in distributing the surveys – the school district was not interested. The Township asked for a Civics Class to work with the Township for a solution – and again, the school district was not interested. The school’s response to the problem is to stick their head in the sand, blame it on the Township and say once they are off school property it’s not their problem. The crosswalk was put in for the school’s students; however, the school district has refused to share in the cost of painting the crosswalk or the new signs because they did not request it. It is the school’s opinion that the crosswalk is for residents to use. Mr. Vernau further stated that if it were not for the high school, there probably would not be a crosswalk. The school has been very difficult to deal with.

Regarding parking problem, three responses were received from students. Two said they were unable to obtain parking passes, but did not say why. Students also said they would continue driving to school and would just park farther away.

Mr. Vernau advised that there is Laurel Avenue is the only street in the Township that currently is parking by permit only. It was instituted when the Computer Learning School was at the Primrose Associates Building. With “parking by permit only” already in place in the Township, it would be easily adapted to the neighborhoods around Cedar Cliff High School.

One of the questions on the survey was would students be willing to ride the bus. Riding the bus is not cool; students will continue to drive and there are not enough spaces on school property.

Extensive discussion ensued.

Mr. Vernau advised that Staff would make one more attempt to schedule a meeting with the school. In the meantime, the Township will move ahead on instituting parking restrictions. Mr. Vernau further advised the Board that the school administration will be notified by letter that there will be parking restrictions on the neighborhood streets in the fall without being specific.

Peter’s Field Parking Enforcement

Mr. Vernau advised the Board that there is not enough parking on site at the Pizza Grille. There is parking across the road, where the owners encourage their employees to park. The Township did away with the “no parking” signs along the road next to the Pizza Grille so there would be a few more spaces. However, people still park in Peter’s Field parking lot. “No parking” signs were installed last year, hoping it would be enough of a deterrent. There have not been as many complaints as last year, but once night games begin at the park that is when there will be more problems.

The Township discussed the problem with the owner of the Pizza Grille. He offered to purchase the tennis courts to create more parking for his restaurant. Other options are being explored.

The proposed ordinance would permit the ticketing of vehicles parked on Township land whose occupants are patrons of the restaurant. Hopefully, it will help alleviate the problem.

Extensive discussion ensued.

This will be a future agenda item.

Anti-Idling Legislation

Mr. Vernau reviewed sample ordinance regarding anti-idling restrictions.

Discussion ensued.

It was the consensus of the Board to revisit the issue in the future.

PUBLIC SAFETY

Mr. Williamson reviewed proposed changes to the Civil Service Rules and Regulations.

Extensive discussion ensued.

The Board directed Mr. Williamson to proceed with the changes to the Civil Service Rules and Regulations.

COMMUNITY DEVELOPMENT

Discussion RE: SLD Docket #2006-09, Revised Final Land Development Plan for Westport, Lot 11

Mr. Flint advised the Board that this plan is for a three-story office building, with a building footprint of 11,000-square feet, 33,000 square-feet of floor space.

This will be an agenda item for June 11, 2007.

Discussion RE: Executing the Developers Financial Security Agreement with BHH Partners for SLD Docket #2005-22, Heights of Beacon Hill, Phase 3, Establishing an Improvement Security Amount and an Expiration Date

Mr. Flint advised the Board that BHH Partners has provided the Improvement Security, Letter of Credit and the Developers Financial Security Agreement. Execution of the Developers Financial Security Agreement will establish an improvement security amount of \$855,309.67 and an expiration date of May 1, 2008.

This will be an agenda item for June 11, 2007.

Discussion RE: Executing the Standard Stormwater Facilities and Best Management Practices (BMP) Maintenance and Monitoring Agreement with BHH Partners for SLD Docket #2005-22, Heights of Beacon Hill, Phase 3

Mr. Flint advised that BHH Partners has submitted a signed agreement for stormwater facilities maintenance and monitoring.

This will be an agenda item for June 11, 2007.

Discussion RE: Executing Developers Financial Security Agreement with Asbury Atlantic, Inc. for SLD Docket #2006-17, Bethany Village West Cottages, Establishing an Improvement Security Amount and an Expiration Date

Mr. Flint advised the Board that Asbury Atlantic, Inc. has provided a Letter of Credit and signed Developers Financial Security Agreement. Execution of this Developers Financial Security Agreement would establish an improvement security amount of \$526,158.00 and an expiration date of April 1, 2010.

This will be an agenda item for June 11, 2007.

Discussion RE: Executing the Standard Stormwater Facilities and Best Management Practices (BMP) Maintenance and Monitoring Agreement with Asbury Atlantic, Inc. for SLD Docket #2006-17, Bethany Village West Cottages

Mr. Flint advised the Board that Asbury Atlantic, Inc. has provided a signed stormwater facilities and monitoring agreement.

This will be an agenda item for June 11, 2007.

Authorize Engineer and Solicitor to Act on Letter of Credit from Integrity Bank for SLD Docket #2003-06, Manor at Fair Oaks, Phase 2, which expires May 30, 2007

Mr. Flint advised the Board that the current Letter of Credit expires on May 30, 2007. Staff is expecting to receive an extension on the Letter of Credit by the close of business tomorrow (May 30, 2007).

Commissioner YOUNG moved to authorize the Engineer and Solicitor to act on the Letter of Credit from Integrity Bank for SLD Docket #2003-06, Manor at Fair Oaks, Phase 2, which expires May 30, 2007, unless an extension is received by the close of business May 30, 2007. Vice-President BUCHER seconded the motion. Motion carried 5-0.

Authorize Forfeiture of Check Submitted as Bid Security by Hi-Def Roofing LLC, for Roof Replacement on Four Park Pavilions – Rebid

Mr. Flint advised the Board that the roof replacement on four park pavilions was re-bid in March 2007. All documents were sent to the low bidder, Hi-Def Roofing, on March 30, 2007.

Acknowledgement with ten (10) days is required. Acknowledgement still has not been received. Several attempts via telephone as well as certified mail have been made with no response. Staff exhausted all avenues to receive a signed contract, performance bond, etc. As a result, Hi-Def Roofing forfeits its bid bond.

Vice-President BUCHER moved to authorized forfeiture of the check submitted as bid security by Hi-Def Roofing, LLC, for the Roof Replacement on Four Park Pavilions – Rebid. Commissioner YOUNG seconded the motion. Motion carried 5-0.

Award Contract to Nicholas Evanoff Company for the Roof Replacement on Four Park Pavilions – Rebid Project

Vice-President BUCHER moved to award a contract to Nicholas Evanoff Company in the amount of \$12,500.00 for the Roof Replacement on Four Park Pavilions – Rebid Project. Commissioner BLACK seconded the motion. Motion carried 5-0.

DIRECT SOLICITOR TO PROCEED WITH FAVORABLE ADJUDICATION ON ZONING AMENDMENT #2007-01, PROPOSING TO ESTABLISH FREESTANDING EATING ESTABLISHMENTS (EXCLUDING DRIVE-THROUGH AND FAST FOOD) WITHIN THE C-3 PLANNED BUSINESS CENTER DISTRICT AS A CONDITIONAL USE

The Board directed the Solicitor to proceed with favorable adjudication on Zoning Amendment #2007-01, proposing to establish freestanding eating establishments (excluding drive-through and fast food) within the C-3 Planned Business Center District as a conditional use.

ADMINISTRATIVE SERVICES

Review Letter from Recreation and Parks Board Members for West Shore Recreation Commission

Mrs. Faust reviewed the letter from the Scott Duncanson, Chairman of the Recreation and Parks Board to the West Shore Recreation Commission pursuant to previous discussions regarding issues concerning West Shore Recreation.

It was the agreement of the Board that Mr. Duncanson’s letter addressed all issues and should be mailed.

Grant from Johanna Favrot Fund through the National Fund for Historic Preservation

Mrs. Faust advised the Board that the Township received a national competitive grant from the Johanna Favrot Fund through the National Fund for Historic Preservation and was one of ten projects that were awarded. \$5,000 will be received and will be used for the Lisburn Comprehensive Plan.

RECESS TO EXECUTIVE SESSION

The Regular Meeting of the Board of Commissioners recessed to Executive Session at 10:00 p.m. for discuss:

1. LCF Agency Audit
2. Hoang Complaint

RECONVENE REGULAR MEETING

The Regular Meeting of the Board of Commissioners reconvened at 10:22 p.m.

AUTHORIZE SOLICITOR TO REPRESENT JOHN EBY IN THE MATTER OF HOANG VS. EBY

Commissioner CHRIST moved to authorize the Solicitor to represent John Eby in the matter of Hoang vs Eby. Commissioner YOUNG seconded the motion. Motion carried 5-0.

ADJOURN TO EXECUTIVE SESSION

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

ATTENDANCE REGISTER

An Attendance Register is made part of the record.