

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

JULY 14, 2008

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

Lloyd W. Bucher  
Peddrick M. Young, Sr  
Dan Christ

TOWNSHIP PERSONNEL

Thomas Vernau, Manager  
Daniel Flint, Community Development  
John Eby, Planning and Zoning Coordinator  
Nancy Dietel, Finance Director  
Frank Williamson, Chief of Police/  
Public Safety Director  
Danna Lutes, Township Secretary  
Steven P. Miner, Solicitor  
Trudy Metzel, Recording Secretary  
Ashley Sides, Assistant Recording Secretary

Vice-President BUCHER 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.

President TITZEL and Commissioner BLACK were absent with excuse.

**CHECK PRESENTATION: WEST SHORE SOCCER CLUB**

Mr. Vernau advised the Board that bids will be opened later in the meeting for renovations of the soccer fields along Yellow Breeches Creek in Lower Allen Community Park. West Shore Soccer Club agreed to donate \$10,000.00 to this project. Five thousand dollars (\$5,000.00) will be donated in each of the next two years.

David Schlegel of the West Shore Soccer Club presented a check in the amount of \$5,000.00 to Vice-President BUCHER, who accepted the check on behalf of the Board and the Township.

Vice-President BUCHER thanked Mr. Schlegel for the Club's contribution to the renovation and upkeep of the soccer fields.

**AUDIENCE PARTICIPATION**

Vice-President BUCHER 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 agenda item pertaining to the possible scheduling of a Public Hearing for Zoning Ordinance Amendment #2007-02, LFGC, Inc. Mr. Brown requested to speak prior to the discussion.

**APPROVAL OF MINUTES**

**Approval of November 5, 2007 Special Meeting Minutes**

Commissioner CHRIST moved to approve the Minutes of the November 5, 2007 Special Meeting of the Board of Commissioners as submitted. Commissioner YOUNG seconded the motion. Motion carried 3-0.

**Approval of January 28, 2008 Regular Meeting Minutes**

Commissioner YOUNG moved to approve the Minutes of the January 28, 2008 Regular Meeting of the Board of Commissioners as submitted. Commissioner CHRIST seconded the motion. Motion carried 3-0.

**INTRODUCTION OF NEW EMPLOYEE; ASHLEY SIDES, ASSISTANT RECORDING SECRETARY**

Mr. Vernau introduced Ashley Sides, the Township's new Assistant Recording Secretary. Flora Dasher was unable to continue in those duties. The Board welcomed Ashley to the Township.

**BID OPENING: COMMUNITY PARK SOCCER FIELDS AND LOOP TRAIL IMPROVEMENTS**

The following bids were received for the Community Park soccer fields and loop trail improvements:

|   |             |              |
|---|-------------|--------------|
| Kinsley Construction<br>York, PA          | BID AMOUNT: | \$336,960.00 |
| B. R. Kreider & Sons, Inc.<br>Hanover, PA | BID AMOUNT: | \$401,850.00 |
| Rogele, Inc.<br>Harrisburg, PA            | BID AMOUNT: | \$364,064.00 |

|  |             |              |
|--|-------------|--------------|
| York Excavating Co., Inc.<br>York, PA        | BID AMOUNT: | \$337,200.00 |
| Hempt Bros., Inc.<br>Camp Hill, PA 17011     | BID AMOUNT: | \$315,300.00 |
| Handwerk Site Contractors<br>Hummelstown, PA | BID AMOUNT: | \$382,511.00 |

Bid award will be an agenda item for July 28, 2008.

**RECESS TO EXECUTIVE SESSION**

The Regular Meeting of the Board of Commissioners recessed to Executive Session at 7:45 p.m. for discussions on background testing on police officer candidate and the Lisburn Community Fire Company Ladies Auxiliary audit.

**RECONVENE REGULAR MEETING**

The Regular Meeting of the Board of Commissioners reconvened at 7:57 p.m.

**AUTHORIZE THE RELEASE OF AUDIT REPORT TO LISBURN COMMUNITY FIRE COMPANY LADIES AUXILIARY**

Commissioner YOUNG moved to authorize the Public Safety Director to release the results of the audit to the Lisburn Community Fire Company Ladies Auxiliary. Commissioner CHRIST seconded the motion. Motion carried 3-0.

**CONSENT AGENDA**

Vice-President BUCHER 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 June 19, 2008 in the amount of \$277,988.69 and Warrants Journal of July 3, 2008 in the amount of \$288,905.73. A Manual Checklist for June in 2008 in the amount of \$2,718.91.

2. Release of Improvement Security in the amount of \$18,267.15 for SLD Docket No. 2005-21, Progressive Insurance.
3. Executing the Developers Financial Security Agreement with PA Pipe, LLC for SLD Docket No. 2008-04, Final Land Development Plan for Skyline Steel, establishing an Improvement Security amount of \$37,140.00 and an expiration date of July 14, 2009.
4. Executing the Standard Stormwater Facilities and Best Management Practices Maintenance and Monitoring Agreement with PA Pipe, LLC for SLD Docket No. 2008-04, Final Land Development Plan for Skyline Steel.
5. Payment of Application #4 to Secco, Inc. for Telephone/Data Cabling in the amount of \$12,935.00 for the Municipal Services Center.
6. Approve Application for Payment #14 from Herre Bros., Inc. in the amount of \$111,306.12.
7. Approve Application for Payment #15 from Herre Bros., Inc. in the amount of \$47,240.72.
8. Approve Application for Payment #16 from Herre Bros., Inc. in the amount of \$68,794.52.
9. Payment of Application #14 to Silvertip, Inc. for Plumbing Construction in the amount of \$17,002.15 for the Municipal Services Center.
10. Payment of Application #15 to Silvertip, Inc. for Plumbing Construction in the amount of \$44,563.10 for the Municipal Services Center.
11. Payment of Application #14 to Silvertip, Inc. for HVAC Construction in the amount of \$39,445.00 for the Municipal Services Center.
12. Payment of Application #15 to Silvertip, Inc. for HVAC Construction in the amount of \$60,367.63 for the Municipal Services Center.
13. Approve Payment Application #14 for eciConstruction, LLC in the amount of \$392,097.52.
14. Resolution 2008-R-22, Compensation Adjustment Resolution for nine (9) Township employees.
15. Approve moving Dianna Knisley, Executive Assistant in Public Safety, to regular full-time status, as she has successfully completed her 6-month probationary period.

Commissioner YOUNG seconded the motion. Motion carried 3-0.

**APPROVE ACCEPTING A TIME EXTENSION FOR SLD DOCKET #2008-01, PRELIMINARY SUBDIVISION PLAN FOR ORCHARD GLEN, ESTABLISHING A NEW DEADLINE**

Commissioner YOUNG moved to approve accepting a time extension for SLD Docket #2008-01, Preliminary Subdivision Plan for Orchard Glen, establishing a new deadline of August 15, 2008. Commissioner CHRIST seconded the motion. Motion carried 3-0.

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

Vice-President BUCHER asked if anyone in the audience would like to address the Board on any business pertinent to the Township. There was no response.

**ADMINISTRATIVE SERVICES**

**Discussion: Employee Recognition**

Mr. Vernau advised the Board that the Township's Fleet Manager and Public Works Coordinator are being recognized for the innovative idea that saved the Township quite a bit of money.

This will be an agenda item for the July 28, 2008.

**COMMUNITY DEVELOPMENT**

**Discussion: Zoning Hearing Dockets**

Mr. Eby advised the Board that there were no new dockets for hearing in July. One is expected this week which will be presented at a later meeting.

Mr. Eby further advised the Board that there was one decision from the June docket, Docket #2008-03, the application of Joan and Jay Grenaldi regarding 3702 Gettysburg Road. It was partly approved and partly denied. The issues regarding the loading/unloading space, off-street parking and access drives were approved. The dimensional variance and use variance for the use of the drive-thru were denied. The staffing space reduction number was denied. The Applicant has a few weeks in which to file an appeal in Common Pleas Court. The Applicant has indicated that in view of the decision they would re-file for relief from the Zoning Hearing Board and be modifying their presentation and justification in order to obtain approvals needed. The Applicant is aware of the proposed Zoning Ordinance text amendments and may be monitoring the progress.

**Discussion: High Associates Hotel Text Amendment**

Mr. Eby advised the Board that he was informed by Counsel for High Associates that this text amendment is on hold. They are also monitoring the proposed Zoning Ordinance text amendments.

**Discussion and Possible Action: Scheduling a Public Hearing for Zoning Ordinance Amendment #2007-02, LFGC, Inc.**

Vice-President BUCHER recognized Randy Brown, 3800 Lisburn Road, who earlier requested addressing the Board prior to discussion on this issue.

Mr. Brown stated that in the past eighteen months, there have been at least four proposals from Liberty Forge regarding this endeavor. Last summer there was a public hearing in which approximately 200 people attended and who voiced overwhelming disapproval of this project. The Township commissioned a Residents Panel of ten people who entered into discussions with Liberty Forge and the Township. Result of those discussions was overwhelming disapproval from the Panel. This endeavor was submitted to the County Planning Commission, which resulted in overwhelming disapproval. It was submitted to the Lower Allen Planning Commission and recently met with overwhelming disapproval from that planning commission.

Residents have spoken often and constantly against this endeavor. Mr. Brown further stated that to his knowledge no current resident of Lower Allen Township who does not have financial interest in the Liberty Forge Golf Club has ever spoken in favor of this project in any form. Staff has said at public meetings that LFGC proposals have not been significantly different and do not require new applications resulting in this process being about the same proposal in different forms. Given the advice of planning bodies, the overwhelming opposition of Township residents, lack of support that LFGC has raised and brought to public meetings, and the continued financial and other resource burdens this proposal has brought to the Township, Mr. Brown asked the Board bring this consideration to its obvious conclusion and deny the request.

Mr. Brown also requested that if the Board decides a public hearing is in order, that the hearing not be held until after the summer vacation season so the public has a fair opportunity to express their views and opposition to LFGC hiring consultants, officers and employees who have financial rather than personal interest in this endeavor. Mr. Brown also requested consideration be given to moving any such meeting to a facility larger than the extended version of the Township's Hearing Room so physically challenged residents are not forced to make the choice to stand or leave as they were at the last public hearing on this issue. Mr. Brown thanked the Board for its time.

John Mahoney, attorney for Liberty Forge, identified himself to the Board. Mr. Mahoney stated that it was his understanding that the Planning Commission had three members in attendance. The Planning Commission voted to not recommend the adoption of the ordinance as it was written. There were questions raised, and the Applicant is prepared to address all those questions

during the hearing process. The Applicant would like a hearing and agrees with the suggestion to have the hearing at a larger venue. Mr. Mahoney thanked the Board for its time.

Mr. Eby advised the Board that it is the Township's standard procedure to follow-up a Planning Commission recommendation with a public hearing. Staff recommended a date after summer vacation as well as a larger location. Extensive discussion ensued.

Commissioner YOUNG moved to establish Monday, September 15, 2008 as the public hearing date for Zoning Ordinance Amendment #2007-02, LFGC, Inc. with a start time of 7:00 p.m. at a location to be determined, with residents being notified and advertisements in the newspapers made as timely as possible. Commissioner CHRIST seconded the motion. Motion carried 3-0.

## **MANAGER**

### **Discussion: Safety Measures for Rain Gardens**

Mr. Vernau advised the Board that there have been some difficulties with the rain gardens in front of the Township Building. Measures to correct the issues have been discussed. White delineators have been installed around the edge of the rain gardens. Mr. Vernau would like to see how the delineators work before any discussion took place.

Discussion on this issue was postponed and will be a future agenda item.

### **Discussion and Possible Action: Intergovernmental Cooperation with Shiremanstown Borough and Permission to Advertise Related Ordinance**

Mr. Vernau advised the Board that they previously discussed permitting the residents of Shiremanstown to bring their weed and yard waste to the Township facility for processing.

Since then, Mrs. Faust advised Mr. Vernau of a grant program for which inter-municipal programs qualify.

Mr. Vernau recommended entering into a formal agreement with Shiremanstown Borough that would fall under the Intergovernmental Cooperation Act, which requires the adoption of an ordinance.

Commissioner CHRIST moved to authorize Staff to advertise Ordinance 2008-02, the Lower Allen Township/Borough of Shiremanstown Mutual Yard Waste Program. Commissioner YOUNG seconded the motion. Motion carried 3-0.

### **Discussion: Parking by Permit Only on old Hummel Avenue**

Mr. Vernau advised the Board that the conditions around the old Township Building are such that sufficient on-site parking is impossible. Staff discussed several ways to alleviate the problem. Parking by permit only on the section of old Hummel Avenue would benefit whoever

purchases the old Township Building and Leggett's. Discussion ensued. This will be a future agenda item.

**Discussion: Recognition for Representative Jerry Nailor**

Mr. Vernau advised the Board that Representative Jerry Nailor is retiring from the House of Representatives at the end of the year and asked if the Board wished to recognize him for his service.

The Board agreed that there should be some sort of recognition. Mr. Vernau will obtain suggestions from Staff and present those ideas to the Board.

This will be a future agenda item.

**Discussion: Interest in a 4-Day Work Week**

Mr. Vernau asked if there was any interest on the Board's part to looking into a 4-day work week. The main catalyst for this issue is rising gas prices. Mr. Vernau stressed that the intention is not to close the Township for a day. Schedules would be adjusted so there is 5-day coverage. Four (4) ten hours days would be worked.

Commissioner YOUNG stated that he has no problem with a 4-day work week as long as residents are served. He further stated that longer days may benefit residents who are unable to make it to the Township during current working hours.

Mr. Vernau further advised the Board that he has not discussed the issue with Staff. He wanted to approach the Board first to ascertain their opinion.

Commissioner CHRIST stated he would be curious as to the cost savings and how management of departments would change.

Mr. Vernau was directed to explore a 4-day work week and present his findings to the Board at a future meeting.

**OTHER BUSINESS**

Commissioner CHRIST advised the Board that he would not be at the August 11, 2008 meeting.

Mr. Vernau advised the Board that the Township also received a check in the amount of \$2,500.00 from the Dillsburg Area Soccer Club, which is the first of two payments.

Mr. Vernau advised the Board that the Township received a dividend of \$1,727.00 from U-Comp (unemployment compensation insurance) based on the Township's 2007 experience. This dividend will go back into the General Fund.

Janey Gunn, 3800 Lisburn Road, identified herself to the Board. Ms. Gunn pointed out that among other things the Planning Commission said about the text amendment is that there are numerous grammatical errors that make it practically impossible to interpret what it truly means. Mr. Magnusson, in his presentation at the Planning Commission, said something to the effect that an ordinance carries with it the power of the law. Because of that, the ordinance must be precise, interpretable and understandable. Ms. Gunn asked how a public hearing can be held on a text amendment that has grammatical errors to the extent that one cannot truly interpret what it is trying to say. Vice-President BUCHER responded that the meaning will come out of the public hearing and the grammar can then be corrected. Commissioner CHRIST stated that he was not in attendance at the meeting to hear Mr. Magnusson's opinion; however, he the text amendment and was able to make sense of it. Vice-President BUCHER further stated that if it does reach ordinance stage, the Solicitor will be certain it meets the criteria.

Commissioner CHRIST commended Staff on the Open House presented on Friday evening.

### **ADJOURN**

The Regular Meeting of the Board of Commissioners adjourned at 9:25 p.m.

### **ATTENDANCE REGISTER**

An Attendance Register is made part of this record.