

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

August 27, 2007

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

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

TOWNSHIP PERSONNEL

Thomas Vernau, Manager
Jan Faust, Assistant Manager
Nancy Dietel, Finance Director
Daniel Flint, Community Development
John Eby, Township Planning/Zoning Coordinator
Frank Williamson, Public Safety Director
Danna Lutes, Township Secretary
Christopher Yohn, EMS Captain
Steven P. Miner, Solicitor
Flora Dasher, Assistant 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.

CONVENE TO PUBLIC HEARING

The regular meeting of the Board of Commissioners recessed and the Public Hearing convened at 7:35 p.m. regarding application of High Properties L.P./Hoss's Steakhouse/Marzoni's Italian Restaurant for a freestanding eating establishment by conditional use pursuant to Section 220-220B of the Code of Lower Allen Township, subject to various criteria and standards.

ADJOURN PUBLIC HEARING

The Public Hearing adjourned at 8:00 pm and the regular meeting of the Board of Commissioners reconvened at 8:00 pm.

APPROVAL OF MINUTES FROM JULY 23, 2007 REGULAR MEETING OF THE BOARD OF COMMISSIONERS

Commissioner **CHRIST** moved to approve the Minutes from the July 23, 2007 Regular Meeting of the Board of Commissioners as submitted. Vice President **BUCHER** seconded the motion. Motion carried 5-0.

APPROVAL OF MINUTES FROM AUGUST 13, 2007 REGULAR MEETING OF THE BOARD OF COMMISSIONERS

Commissioner **YOUNG** made a motion to table the acceptance of the August 13, 2007 minutes until verification by the Township Secretary was made regarding motions made. Commissioner **CHRIST** seconded that 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.

One individual responded regarding discussion for improvement security reduction for SLD Docket# 2006-06, Village at Fair Oaks. Further discussion will ensue when this item is reached on the agenda.

CONSENT AGENDA

President **TITZEL** advised that 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.

- A. Warrants Journal of 08/16/2007 in the amount of \$618,849.33
- B. Department Report for the month of June for Community Development. Department Report for the month of July, including: Engineer, Public Works, and Community Development.

Vice President **BUCHER** made a motion to include the Public Safety Department minutes for July under item 9B on the agenda. Commissioner **BLACK** seconded the motion. Motion carried 5-0.

- C. Resolution 2007-R-24, Compensation Adjustment Resolution for 2 Township employees.

Vice President **BUCHER** moved to approve the items on the Consent Agenda as revised. Commissioner **YOUNG** seconded the motion. Motion carried 5-0.

- D. Accept motion to approve awarding the telephone and data cabling contract for the new Municipal Services Center to Secco, Inc., the low bidder at \$76,500.

Commissioner **BLACK** made a motion to approve awarding the contract for telephone and data cabling contract for the new Municipal Services Center to Secco, Inc., the low bidder at \$76,500. Commissioner **CHRIST** seconded the motion. Motion carried 5-0.

PRESIDENT TITZEL

Resolution 2007-R-23, Per Capita Exonerations, List Two of 2007.

Commissioner **CHRIST** moved to approve Resolution 2007-R-23, Per Capita Exonerations, List Two of 2007. 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

Vicki Bollinger from Walnut Lane, Camp Hill spoke on behalf of "Parks for Pooches". Ms. Bollinger informed the Board that bricks are still selling and being installed at the dog park. She thanked the township for the generous donation of wood chips which helps absorb water. Parks for Pooches would like to offer \$5,000.00 to the township to have a water source brought into the dog park.

ADMINISTRATIVE SERVICES

Discussion RE: Health Insurance Incentive Plan and Police Pension Service Increments.

Vice President **BUCHER** asked about Amendment 4 stating that he understands that we do not account for accrued sick and vacation as part of compensation when it is paid as a lump sum after an officer leaves; does this paragraph change any of this at all. Ms. Faust stated that the paragraph remains as stated, that it is paid until the last day worked, and no further clarification is needed. This item will appear on the next meeting agenda.

Discussion RE: Salary Caps and Possible Solutions.

Vice President **BUCHER** asked when an employee would proceed to the next pay band. Ms. Faust explained employees move according to a formula applied each year based on what the Commissioners offer. It depends on where the employee is performing at and what they are currently paid to consistently apply pay raises. Vice President **BUCHER** inquired what determines the level the employee is working at. Mr. Vernau offered his clarification to this question in stating that this is where the list of competencies fits in that the supervisors use in rating the employee. When all the scores are added up the answer is what level you are working at. This has been recently modified. Ms. Faust explained management is looking into how to handle high performers because they cap in their job band and they aren't eligible for raises. She feels something should be done for these employees. Some type of formula needs to be created for this purpose. Vice President **BUCHER** and the other Commissioners expressed an interest in learning more about this before they make any major decisions.

Discussion RE: Grant Update

Ms. Faust informed the Board that the D.A.R.E. grant of \$3,760.00 was received.

PUBLIC SAFETY

Mr. Williamson gave an update on the first day of school activities. Warnings were issued for permit parking in Highland Park. Mr. Williamson addressed five assemblies today and targeted on driving and parking. Cedar Cliff had approximately 1,500 students in attendance for the first day of school. Officers were present before school and when school dismissed reminding students to wear seat belts. Signs were installed last week notifying of permit parking on Warwick, Selwick, Strafford and Manchester Roads.

Commissioner **BLACK** thanked Mr. Williamson for making sure the signs were installed and President **TITZEL** followed in the recognition.

COMMUNITY DEVELOPMENT

Discussion RE: SLD Docket# 2007-06, Leshar Property Subdivision Plan

No development proposed at this point. Commissioner **YOUNG** asked what the reaction of the Planning Commission was. Mr. Flint indicated that the Planning Commission recommended in favor of the plan; subject to some comments with a few waivers requested. A waiver for preliminary plan requirements, destruction of curb and sidewalk at this time because no development is proposed, and plan signs of 18 by 24 and staff and Planning Commission recommended against that because this is a requirement of the county for the Recorder of Deeds. Applicants understood this and accepted it.

Requests for reductions for the following SLD Dockets were received and inspections have been conducted at these developments. These items will be included in the next meeting agenda.

1. Discussion RE: Request for Improvement Security Reduction for SLD Docket# 2004-02, Manor at Westport.
2. Discussion RE: Request for Improvement Security Reduction for SLD Docket# 2004-07, Yellow Breeches Farm.
3. Discussion RE: Request for Improvement Security Reduction for SLD Docket# 2005-22, Heights of Beacon Hill, Phase 3.
4. Discussion RE: Request for Improvement Security Reduction for SLD Docket# 2006-06, Village at Fair Oaks.

Discussion RE: possible action authorizing staff to forward revised zoning ordinance amendment from Liberty Forge to Planning Commission.

Board of Commissioners received this amendment at the last public hearing. Another hearing needs to be scheduled on the new proposed ordinance and Mr. Flint advised that Oct 15, 2007 be available for this.

Solicitor Miner would like permission to advertise this revised ordinance as drafted for public input at the next hearing.

Attorney Chuck Zaleski from Zoltzman and Hughes spoke on behalf of Liberty Forge. Mr. Zaleski handed out copies of a petition to the Commissioners. The petition had been signed by 640 individuals who pay the amusement tax at the golf course. Mr. Zaleski indicated that Liberty Forge is comfortable with the wait and acknowledges this is a major amendment. Liberty Forge welcomed public comments and questions.

Commissioner **CHRIST** questioned Mr. Zaleski whether it was Liberty Forge's intent to proceed with the plan as proposed. Mr. Zaleski responded that the plan as proposed was a plan that was prepared under the original amendment, that was substantially modified by condensing it down, and that it is the intent to proceed with an amendment, it is the desire of Liberty Forge to proceed with their concept but it will have to be in a format that satisfies whatever ordinance is in effect.

Commissioner **CHRIST** reviewed the letters that Liberty Forge sent to Cumberland County Board of Commissioner; adding that these letters were sent to their personal addresses and West Shore School Board. In both letters, Liberty Forge states that the "commissioners of Lower Allen Township seem enthused about the project but are hesitant because a few neighbors have negative objections". He wants to make it know that he is not enthused and feels the project is not consistent with the R-2 zoning. Commissioner **CHRIST** doesn't feel this is in the best interest of the township to have this development and he appreciates the fact that Mr. Zaleski states that Liberty Forge will accept whatever decision is made by the Board of Commissioners. Commissioner **YOUNG** agreed with Commissioner **CHRIST** and added that he "takes exception to the fact that you are speaking on my behalf".

Mr. Zaleski apologized and offered that they did not mean to state that "the Board in any way had officially endorsed the amendment or the project". Misinterpretations will be corrected. Commissioner **YOUNG** suggested that a letter of correction be sent out and each Board member receive a copy.

President TITZEL stated that the Board of Commissioners entered into this neutral, to find the facts from both sides and to hear and to listen, and upon that to make a decision after fairly hearing both sides. He never felt that anyone favored or was opposed to the proposed plan. The Board agreed.

Bob Schell, 1000 Brookwood Drive questioned Mr. Zaleski as to why Liberty Forge would seek an amendment to an ordinance for R-2 throughout an entire township as opposed to seeking variances for the property now owned. Mr. Zaleski responded by saying to get a variance you have to show that you are not making any usable use of the property and the burden of proving variances is extremely high and therefore it is a risk that was not acceptable.

Joel Centre, Raven Hill Road stated he does not agree with the figures presented at the previous hearing regarding 151 additional traffic peak vehicles in the morning and 204 additional traffic peak in the afternoon. He states that this number can not be realistic with the world class hotel, amphitheatre, campgrounds, expansion of the golf course, retail, medical offices, nursing home and the 582 unit high rise because this creates a lot more traffic.

Mr. Eby addressed a procedural question asked earlier on why we are going through this continuing process when there was a negative recommendation from the Planning Commission. Under the Pennsylvania Municipality Planning Code the application of Liberty Forge was amended substantially at the public hearing. He adds that we are required by law to have a follow up for re-review of the changes and to have an additional public hearing.

Commissioner CHRIST asked if we “have no choice but to let this go back through the system and Solicitor Miner and Mr. Eby responded affirmative. Solicitor Miner added that this at least has to go back to the Planning Commission without a timeframe. A substantial amendment was offered last week and discussion began as to whether to send the amendment as is or to have the staff or the applicant offer changes and to have a meeting to make these changes. The Board of Commissioners agreed that the zoning ordinance amendments should go to our staff for review. Solicitor Miner suggests that the amendments go to staff and staff would meet with Liberty Forge to “craft this amendment” in able to “preserve the rural nature of that R-2 district”.

Commissioner CHRIST moved to direct staff to work with Liberty Forge, its’ representatives, as well as, interested citizens of Lower Allen Township to gather input in proposed text amendment to the R-2 Zoning Ordinance with respect to open space development standards in order to return to the Board of Commissioners with a final text amendment that incorporates all this. Commissioner BUCHER seconded the motion. Motion carried 5-0.

Discussion RE: SLD Docket# 2007-05, Subdivision and Land Development Plan for Marzoni’s Restaurant. Proposed restaurant is about 9800 square feet and will have 300 seats. As part of this project, there will be a sidewalk constructed that connects to Homewood Suites. This will be ready for action at the next meeting. Commissioner BLACK inquired and asked about traffic generation. Mr. Flint responded in saying that an extensive traffic study was conducted 5 or 6 years ago and some improvements since then have been made at the traffic signal on Rossmoyne Road.

Commissioner YOUNG moved to have Solicitor Miner prepare the Marzoni’s conditional use adjudication granting the conditional use. Commissioner CHRIST seconded. Motion carried 5-0.

MANAGER

Mr. Vernau presented a building update. The concrete floor has been poured for the first floor of the Administrative wing. Issues with the driveway on Gettysburg Road have been resolved and the drain boxes are in. Shop drawings involving the structural steel were held up significantly at the architects office and it may take another week for the steel to be delivered. This project is 7 weeks behind schedule at this point. March 16, 2007 is the completion date but this may change to sometime in May due to requests for extensions.

ADJOURN TO EXECUTIVE SESSION

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