

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

September 10, 2007

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

TOWNSHIP PERSONNEL

John T. Titzel, President
Lloyd W. Bucher, Vice President
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, Township Planning/Zoning Coordinator
Gregory Thomas, Police Department
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.

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

Commissioner **YOUNG** moved to approve the Minutes from the August 13, 2007 Regular Meeting of the Board of Commissioners as submitted. Commissioner **CHRIST** 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 and 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 and there was no response.

Accept motion to approve the items on the Consent Agenda, which are listed as follows:

- a. Warrants Journal of 08/31/07 in the amount of \$82,057.69.
- b. Payment application #4 for eciConstruction, LLC in the amount of \$234,022.54
- c. Payment applications #4 and #5 (plumbing) for Silvertip, Inc. in the amounts of \$18,873.00 and \$60,637.50, respectively.
- d. Payment application #5 (HVAC) for Silvertip, Inc. in the amount of \$31,342.50
- e. Payment applications #3 and #4 for Herre Bros., Inc. in the amounts of \$44,354.07 and \$108,203.24, respectively.
- f. Payment of Invoice 991692 for \$16,753.23 and Invoice 991766 for \$6,662.31 to ARM Group Inc.
- g. Payment of Invoice 499193 for \$7,811.40 to PSI.
- h. Final payment in the amount of \$242,869.57 to Handwerk Site Contractors for the 2007 Street Resurfacing Maintenance Project.
- i. A waiver of the requirement contained in Section 1173.04 to submit a Preliminary Plan for SLD Docket No. 2006-08, Subdivision Plan for Diane S. Dorsheimer.
- j. A waiver of the requirement contained in Section 1181.09 to provide sidewalks for SLD Docket No. 2006-08, Final Subdivision Plan for Diane S. Dorsheimer, 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.
- k. A waiver of the requirement contained in Section 1173.07(a)(1)V.1 to show contours on the plan for SLD Docket No. 2006-08, Final Subdivision Plan for Diane S. Dorsheimer, for Lot No. 1 only.

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

- l. SLD Docket No. 2006-08, Final Subdivision Plan for Diane S. Dorsheimer, 108 Creek Road, contingent upon the following:
 1. Executing the Developers Agreement and providing Financial Security for work within the public right-of-way and stormwater management facilities.
- m. Request No. 3 for Reduction in Improvement Security for SLD Docket #2004-02, Manor at Westport, establishing a new security amount of \$66,738.10 and a new expiration date of September 10, 2008.

- n. Request No. 2 for Reduction in Improvement Security for SLD Docket #2005-22, Heights of Beacon Hill, Phase 3, establishing a new security amount of \$516,817.67 and a new expiration date of September 10, 2008.
- o. Request No. 1 for Reduction in Improvement Security for SLD Docket #2006-06, Village at Fair Oaks, establishing a new security amount of \$102,285.15 and a new expiration date of September 10, 2008.
- p. Approval of the Side Agreement between Lower Allen Township Police Officers Association and Lower Allen Township regarding the Health Insurance Incentive Program and change to the definition of compensation and also approving the Health Insurance Incentive Program as outlined therein.
- q. Approval of the Lower Allen Township Pension Plan Amendments, #4 for 4-35029 and #1 for 4-35031 regarding a change to the definition of compensation in both plans and changing the service increments in 4-35029.
- r. Final payment in the amount of \$46,905.00 to Kinsley Construction, Inc. for the Lower Allen Community Park Boat Launch Project.

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

PRESIDENT TITZEL

Commissioner **YOUNG** moved to approve the adjudication for the Conditional Use application of High Properties, Docket No. CU 2007-01, to establish a freestanding eating establishment within the C-3 Planned Business Center District in accordance with Zoning Code Section 220-117.1. Commissioner **BLACK** seconded the motion. Motion carried 5-0.

Vice-President **BUCHER** moved to approve a waiver of the requirement contained in Section 1173.04 to submit a Preliminary Plan for SLD Docket #2007-05, Subdivision and Land Development Plan for Marzoni's Restaurant. Commissioner **CHRIST** seconded the motion. Motion carried 5-0.

Commissioner **YOUNG** moved to approve a waiver of the requirement contained in Section 1181.09 to provide sidewalks for SLD Docket #2007-05, Final Subdivision and Land Development Plan for Marzoni's Restaurant, 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. Commissioner **BLACK** seconded the motion. Motion carried 5-0.

Vice-President **BUCHER** moved to approve SLD Docket #2007-05, Final Subdivision and Land Development Plan for Marzoni's Restaurant, 4925 Ritter Road, contingent upon the following: (1) Executing the Developers Agreement and providing Financial Security for improvements. (2) Providing a copy of the recorded joint use access agreement. 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

No response.

ADMINISTRATIVE SERVICES

Regarding Employee Recognition

Mrs. Faust would like to have Pamela DeHaven recognized at the next Board of Commissioners meeting. She is being recognized for number of hours worked for the Township.

Regarding 2008 Minimum Obligation contributions to Township Pension Plans

Mrs. Dietel reported to the Commissioners that everyone received a larger state aid unit value this year, the township received 3.8% and both pension funds are in an over funded capacity.

Vice President **BUCHER** asked if the township received the entire amount available whether the township needs it or not and Mrs. Dietel responded in the affirmative and added that we would not have to contribute then from the general fund. Mr. Vernau added that the excess money goes into whichever fund needs it the most. The pension plan will be presented at the next meeting for approval.

Regarding 2007-25 County Liquid Fuels

A copy of the application to receive county aid money was presented to the Board. Mrs. Dietel reported that this is the last year we will receive county aid until further notice. We are scheduled for \$7,420.00 for a 2 year allocation for 2006 and 2007. This money is being used toward the drainage project in Rossmoyne Manor.

President **TITZEL** asked why this was the last year and Mrs. Dietel's response was that they need to keep that money for bridge improvements for the county. She feels we still may get money again in the future.

Commissioner **BLACK** asked if we would still get state liquid fuel money and Mrs. Dietel responded that we have gotten over \$300,000 for the 2007 allocation and most of it will go towards paving and the balance goes to snow plowing and drainage projects. This will be on the agenda for the next Board meeting.

President **TITZEL** asked Mr. Flint if there is any other areas in Rossmoyne Manor that will need similar upgrades from the storm water. Mr. Flint responded by saying that this area has very few storm drains and will need an upgrade at some point. We may have to budget for this next year. This item will be on the agenda for the next Board meeting.

Regarding 2008 Budget Payroll Percentage for non uniform

Mrs. Dietel needs an idea of what size pool to use for the 2008 payroll budget. Her most recent CPI is 2.1% (Cost of living index) as of July/August. Normally the Board suggests 3% she added. Mrs. Dietel offered to make some comparisons and draft a couple payroll budgets; one with cost of living increase at 2.1% and one with 3%.

PUBLIC SAFETY

Regarding Special Order 2007-02 for New Permit Parking in Highland Park

Sargeant Thomas updated the Commissioners on the Permit Parking situation in Highland Park. Sargeant Thomas did not get list of how many warnings were issued but reported for the most part, there has not been a problem with students parking there since the permit parking started. Mr. Vernau offered further comments on the traffic committee looking into easing up restrictions on Selwick and Strafford, due to 2 businesses located in those areas. Bob Baker is on the corner of Selwick and Carlisle, and Dr. Wagman's office is on the corner of Strafford and Carlisle. Dr. Wagman is concerned because he has elderly patients that he does not want to have them walking back and forth from their cars to put a parking permit on their cars when they come for appointments. Mr. Vernau advised that this will be discussed with the traffic committee and he will come back with a recommendation at some point in the future.

COMMUNITY DEVELOPMENT

Docket 2007-12 application for a variance for a carport in front and side yard at 2307 Newark Avenue.

This carport as proposed would almost be in the right-of-way. Mr. Eby recommends Solicitor Minor be present for another docket, but if the applicant makes their presentation based on the written supplement they state a good case for a variance.

Docket 2007-13 application for a variance and special exceptions, 511 Letchworth Road.

Homeowner's contractor came in to get a permit to take the garage space and convert it into habitable living space. Homeowner has a non-confirming driveway that is not lawfully constructed without a 5 foot offset and a variance is needed to allow this to remain. A minimal dimensional variance is needed regarding parking space. Staff recommended that Solicitor Miner represent them to make sure the applicant and hearing board sift through all the options.

Docket 2007-14 for Capital City Mall to reduce off street parking during non peak months

Formally it was April thru October and now they would like March through October and the zoning hearing board approved the request to allow for special events during non peak shopping times of the year in a certain number of parking spaces and this request that ran out in May 2007 and the mall has applied for the same relief. Mr. Eby advised that due to the upcoming 581 construction that this will have a negative impact on the current parking situation and this approval will need approved based on new facts regarding the construction.

Docket 2007-15 application for variance to reduce buffer Balance Care Building at 1215 Manor Drive on lot 12 in Westport

Homes under construction which would have some backyard situations with the existing parking lot. The existing buffer does not meet current requirements. The requirement is 100 feet and the variance is to reduce the buffer. Vice-President **BUCHER** asked if the property owners were notified of this request and Mr. Eby advised they will be informed this week. Mr. Eby advised that there will be storm water management issues with this and no plans have been submitted yet but there would be new storm water management approvals required because this plan is more than 5 years old and it does not have protection against adverse changes.

Commissioner **BLACK** suggested they have the new parking adjacent to the existing parking lot and they would gain more buffer. Mr. Flint suggested that they would get more buffer but not the required 100 feet. Commissioner **BLACK** suggests they would get more than 100 feet and Mr. Flint advised that they would lose parking spaces. Mr. Eby advised they would explore it.

MANAGER

Mr. Vernau opened discussion regarding a proposed ordinance regarding junk cars. Section 70-8, 121-1 and 212-5 will be affected by this. The Fire Company was doing some rescue training at Station 2 and this involved a junk car that sat for a couple days and a neighbor took notice of this and wanted the car removed. Mr. Vernau suggested to put some exemptions in our ordinances that would allow the fire company, police and EMS to carry on such training. Commissioner **BLACK** suggested that we limit the time that we allow the junk car on the site at any training site adjacent to a residential area and where the zoning is not industrial. Commissioner **YOUNG** suggested a 30 day limit. Mr. Mumma, Sergeant Thomas, and Mr. Yohn agreed to the 30 day time limit.

ADJOURN TO EXECUTIVE SESSION

The Regular Meeting of the Board of Commissioners adjourned to Executive Session at 9:15 p.m.