

## MINUTES

### **BOARD OF COMMISSIONERS**

### **LOWER ALLEN TOWNSHIP**

### **REGULAR MEETING**

**September 24, 2007**

**The following were in ATTENDANCE:**

### **BOARD OF COMMISSIONERS**

John T. Titzel  
Lloyd W. Bucher  
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.

### **APPROVAL OF MINUTES FROM AUGUST 20, 2007 PUBLIC HEARING**

Commissioner **YOUNG** moved to approve the minutes from the August 20, 2007 meeting of the Board of Commissioners for the Public Hearing. Vice President **BUCHER** seconded the motion. Motion carried 5-0.

### **APPROVAL OF MINUTES FROM AUGUST 27, 2007 REGULAR MEETING OF THE BOARD OF COMMISSIONERS**

Commissioner **CHRIST** moved to approve the Minutes from the August 27, 2007 Regular Meeting of the Board of Commissioners as submitted. Commissioner **BLACK** seconded the motion. Motion carried 5-0.

### **PRESENTATION: Employee Recognition**

Pamela DeHaven, an EMT with Lower Allen was unable to attend this meeting to accept the Letter of Commendation for 2,500 hours of service. President **TITZEL** read into record the letter she received signed by Mr. Vernau, Township Manager.

### **RECESS REGULAR MEETING**

The Regular Meeting of the Board of Commissioners recessed at 7:35 p.m.

### **CONVENE PUBLIC HEARING**

Public Hearing to consider the enactment of Ordinance 2007-12, an ordinance amending, modifying and changing the Code of the Township of Lower Allen, 1997, Section 220-A, Zoning Map, to rezone a tract of land from R-1 Single-Family Established Residential District to R-3 Neighborhood Commercial District.

### **ADJOURN PUBLIC HEARING**

The Public Hearing adjourned at 8:10 p.m.

### **RECONVENE REGULAR MEETING**

The Regular Meeting of the Board of Commissioners reconvened at 8:11 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 the Commissioners, Staff members 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. There was no response.

1. Warrants Journal of 09/13/07 in the amount of \$ 814,134.54
2. Department Reports for the month of August 2007, including: Engineer, Public Works, Community Development, and Public Safety
3. Payment application #5 for eciConstruction, LLC in the amount of \$340,334.77
4. Drainage Plan #2006-01, 1504 Woodcreek Drive
5. Approve **Resolution 2007-R-25**, Allocation for Application for County Aid for Liquid Fuels
6. Approve **Resolution 2007-R-27, Per Capita Exonerations**, List Three of 2007

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

### **PRESIDENT TITZEL**

Commissioner **YOUNG** moved to approve **Resolution 2007-R-26**, adopting Minimum Municipal Obligations payable to the Lower Allen Township Police Pension Plan and the Lower Allen Township Non-uniformed Pension Plan in Fiscal Year 2008, and appropriating specific sums for Fiscal Year 2008. Commissioner **CHRIST** seconded the motion. Motion carried 5-0.

Vice President **BUCHER** moved to authorize staff to advertise **Ordinance 2007-14**, an ordinance creating exceptions from junkyard and junk car enforcement for evidence processing and emergency services training for adoption October 22, 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**

Doug McCurdy, resident, 18<sup>th</sup> Street, Camp Hill, requested that the fire house siren be turned off. Mr. Vernau assured Mr. McCurdy that the new building design does not have a siren. Mr. Williamson advised that he will discuss this issue with the Fire Chief and discuss the option of using pagers instead of the fire siren. Mr. Williamson will follow-up with Mr. McCurdy on the outcome.

**ADMINISTRATIVE SERVICES**

Ms. Faust offered five options per the Board's suggestion at the previous meeting regarding salary caps and would like to narrow this down by eliminating any of the options that are unfavorable. The favorable options will be reviewed by staff and come back at a future meeting with a recommendation on which option to choose.

**COMMUNITY DEVELOPMENT**

Discussion regarding SLD Docket #2007-07, Subdivision Plan for Anna V. Carey Estate.

Mr. Flint advised the Board of Commissioners about the Planning Commission's recommendation of approval. He stated that there was a number of waiver requests presented and the Planning Commission recommended approval of all the waivers presented. Staff agrees with the Planning Commission's recommendation. This item will appear on the next meetings agenda for action.

Discussion regarding SLD Docket # 2007-10, Land Development Plan for Chapel of Peace Mausoleum Addition at Rolling Green Cemetery.

Vice President **BUCHER** did not take part in this discussion due to a conflict of interest. Mr. Flint stated that there was several waiver requests presented and the Planning Commission recommended approval of all the waivers presented. Larry Justice, Architect for this project, was present to answer any questions and advised the Board he has retained Hartman & Associates to help with any comments and recommendations. A revised plan will be submitted by the end of the week. This item will appear on the next meetings agenda for action.

Discussion regarding Executing the Standard Storm water Facilities and BMP Maintenance and Monitoring Agreement with William Andrew Siverling for 4975 Ravenwood Road.

This item will appear on the next meetings agenda for action.

Discussion regarding Potential Vacation of Short Street.

Short Street is part of PENNDOT's proposed plan because they are adding a lane and have purchased the required right-of-way for the new township street that will literally put the street up to the edge of SECCO's building. SECCO is asking the township to vacate Short Street so this street does not have to be constructed. This street would serve no other properties other than their own. Mr. Flint advised the Board that SECCO owns all the frontage property between the 2 streets. The Board has concerns with the vacation of Short Street and Mr. Flint will inquire on the payment status of this project and bring this information back to Board at a later meeting. Mr. Flint advised the Board that if Short Street is vacated a right-of-way would still have to remain in place.

SLD Docket #2007-05 Marzoni's Restaurant

Mr. Flint advised the Board on actions regarding executing the developers agreement with Hoss's Building Service, Inc. for Marzoni's Restaurant, establishing an Improvement Security amount of

\$7,700.00. Mr. Flint advised the Board that he received the bond and the signed developers agreement and this is ready to be executed to establish their security. This item will appear on the next meetings agenda for action.

Adjudication of Zoning Ordinance 2007-12

Discussion ensued regarding Adjudication of Zoning Ordinance 2007-12 in regard to the public hearing held earlier. Mr. Flint is asking for direction from Solicitor Miner on this hearing. Vice President **BUCHER** is considering following the County's planning recommendation to vote negatively against this. Mr. Eby advised the Board that all residents within 100 feet of the subject property were notified of the public hearing that took place earlier. One resident was in attendance at the public hearing and there was no other response through written correspondence or telephone calls. Commissioner **CHRIST** states that he does not have any concerns in voting affirmatively to this. Concerns regarding buffers arose to separate the 2 different categories of zoning. Mr. Eby stated the Ordinance has specific requirements in place that need to be followed.

Commissioner **CHRIST** moved to authorize Solicitor Miner to prepare an adjudication on Zoning Ordinance 2007-12 to rezone the parcel owned by Michael and Marianne Beers from R-1 residential to R-3 commercial. Commissioner **YOUNG** seconded the motion. Vice President **BUCHER** opposed. Motion carried 4-1.

Discussion regarding agreement between Lower Allen Township and American Rivers

Mr. Eby offered discussion regarding a request for authorization to approve an agreement between Lower Allen Township and American Rivers to facilitate removal of two dams on 2233 Gettysburg Road. This would be a landlord/grantee standard form of agreement required by PA DEP. American Rivers has asked for approval tonight to remove these two dams to restore the stream to its' natural state and the removal of the dams would eliminate a potential hazard with high water conditions and improve the stream channel. Mr. Vernau pointed out a typographical error on the agreement. Mr. Eby will have this corrected.

Vice President **BUCHER** moved to authorize signing of the agreement between Lower Allen Township and American Rivers for the removal of two dams on 2233 Gettysburg Road subject to correction. Commissioner **YOUNG** seconded the motion. Motion carried 5-0.

Discussion regarding requirement contained in Section 1173.04 to submit a Preliminary Plan for Preliminary Plan for SLD Docket No. 2007-06, Subdivision Plan for Lesher Property.

A request was submitted for waiver of the requirement contained in Section 1173.04 to submit a Preliminary Plan for SLD Docket No. 2007-06, Subdivision Plan for Lesher Property.

Commissioner **YOUNG** moved to approve the request for waiver of the requirement contained in Section 1173.04 to submit a Preliminary Plan for SLD Docket No. 2007-06. Commissioner **CHRIST** seconded the motion. Motion carried 5-0.

Discussion regarding waiver of the requirement contained in Section 1181.09 to provide sidewalks for SLD Docket No. 2007-06, final Subdivision Plan for Lesher Property

A request was submitted for waiver of the requirement contained in Section 1181.09 to provide sidewalks for SLD Docket No. 2007-06, final Subdivision Plan for Lesher Property.

Commissioner **CHRIST** made a motion to approve the waiver of the requirement contained in Section 1181.09 to provide sidewalks for SLD Docket No. 2007-06, final Subdivision Plan for Lesher Property, 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. Vice President **BUCHER** seconded the motion. Motion carried 5-0.

Discussion regarding waiver of the requirement contained in Section 1181.07 to provide curbs for SLD Docket No. 2007-06, Final Subdivision Plan for Lesher Property

A request was submitted for waiver of the requirement contained in Section 1181.07 to provide curbs for SLD Docket No. 2007-06, Final Subdivision Plan for Lesher Property.

Commissioner **BLACK** made a motion to approve the waiver of the requirement contained in Section 1181.07 to provide curbs for SLD Docket No. 2007-06, Final Subdivision Plan for Lesher Property, 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 **YOUNG** seconded the motion. Motion carried 5-0.

Discussion regarding waiver of the requirement contained in Section 1177.02(a)(8) to provide fill-in paving for SLD Docket No. 2007-06, Final Subdivision Plan for Lesher Property

A request was submitted for waiver of the requirement contained in Section 1177.02(a)(8) to provide fill-in paving for SLD Docket No. 2007-06, Final Subdivision Plan for Lesher Property.

Vice President **BUCHER** made a motion to approve the waiver of the requirement contained in Section 1177.02(a)(8) to provide fill-in paving for SLD Docket No. 2007-06, Final Subdivision Plan for Lesher Property, 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. These waivers and modifications are not contrary to the public interest, and they maintain the purpose and intent of the Subdivision and Land Development Ordinance. Commissioner **BLACK** seconded the motion. Motion carried 5-0.

SLD Docket No. 2007-06, Final Subdivision Plan for Lesher Property

A request was submitted for approval of SLD Docket No. 2007-06, Final Subdivision Plan for Lesher Property.

Vice President **BUCHER** moved to approve SLD Docket No. 2007-06, Final Subdivision Plan for Lesher Property, contingent upon approval by Upper Allen Township. Commissioner **YOUNG** seconded the motion. Motion carried 5-0.

## **MANAGER**

### **Discussion regarding Tax Assessment**

Mr. Vernau shared a letter from East Pennsboro School District encouraging Cumberland County Commissioners to reconsider their position on reassessment. Vice President **BUCHER** excused himself from this discussion because of his involvement with the Tax Assessment Appeals Board.

Commissioner **CHRIST** informed the Board there is about 2.9 million dollars of property that is up for assessment appeals in October and about 1.9 million dollars of this property is in South Middleton Township. Commissioner **BLACK** agreed with the contents of the East Pennsboro School Districts letter. Commissioner **CHRIST** asked if Board thinks staff should draft a communication letter such as the one received from the school district.

Commissioner **BLACK** made a motion to direct staff to develop correspondence to the County Commissioners and note the Boards concern about not keeping the assessments current and to use some of the information to tailor it to Lower Allen Township's needs. Commissioner **YOUNG** seconded the motion. Motion carried 4-1. Vice President **BUCHER** abstained.

### **Discussion regarding the Humane Society Service Agreement**

Discussion regarding the Humane Society service agreement and the West Shore branch closing ensued. East Shore will offer contracts for animal drop-off and pick-up for the customers who use the West Shore branch currently. Mr. Vernau is concerned about the costs increasing drastically. Budget for 2007 is \$2,300 and Mr. Vernau expects this figure to rise to \$6,500. Commissioner **BLACK** asked if there is any way to recoup some of this money from the animals owners and Mr. Vernau suggested charging the owner a fee to pick up the animal; if an owner is found and Commissioner **BLACK** agreed.

### **Discussion regarding 2008 West Shore Recreation Commission budget.**

West Shore Recreation Commission is requesting a 3 cents per capita increase and this is 1.5%. Commissioner **BLACK** advised the Board of Commissioners that the West Shore Recreation has a thin budget and they are not making a profit. He recommends favorable consideration of this.

Commissioner **BLACK** made a motion to take this into consideration of the Board's budget and accept the increase of 3 cents per capita which equates to about a 1.5% increase for a total based upon 2000 census figures of \$28,253. Commissioner **YOUNG** seconded the motion. Motion carried 4-1. Commissioner **CHRIST** opposed.

## **CLOSING COMMENTS**

Mr. Vernau shared a list of names of people chosen to sit on the citizen's panel for meetings with Liberty Forge. President **TITZEL** expressed concerned that the people chosen to be on the panel are able to reasonably listen and suggest changes that may be receptive by Liberty Forge and can offer a fair assessment. He wants to assure fairness to both sides. Mr. Vernau assures President **TITZEL** that he has interviewed each one of these people to find out their feelings and none of them are against development of the property and they all seem to be open minded.

The Regular Meeting of the Board of Commissioners adjourned at 9:20 p.m.