

**MINUTES**

**BOARD OF COMMISSIONERS**

**LOWER ALLEN TOWNSHIP**

**REGULAR MEETING**

**November 13, 2007**

**The following were in ATTENDANCE:**

**BOARD OF COMMISSIONERS**

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

**TOWNSHIP PERSONNEL**

Thomas Vernau, Manager  
Jan Faust, Assistant Manager  
Nancy Dietel, Finance Director  
John Eby, Township Planning/Zoning Coordinator  
Frank Williamson, Public Safety Director  
Danna Lutes, Township Secretary  
Christopher Yohn, EMS Captain  
Kathleen Misturak-Gingrich  
Rodney Mumma, Fire Chief  
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.

Commissioner **CHRIST** was absent with excuse.

**APPROVAL OF MINUTES FROM SEPTEMBER 24, 2007 REGULAR MEETING OF THE BOARD OF COMMISSIONERS**

Commissioner **YOUNG** moved to approve the Minutes from the September 24, 2007 Regular Meeting of the Board of Commissioners as submitted. Vice-President **BUCHER** seconded the motion as submitted. Motion carried 4-0.

**APPROVAL OF MINUTES FROM OCTOBER 22, 2007 REGULAR MEETING OF THE BOARD OF COMMISSIONERS**

Vice-President **BUCHER** moved to approve the Minutes from the October 22, 2007 Regular Meeting of the Board of Commissioners as presented. Commissioner **YOUNG** seconded the motion as presented. Motion carried 3-1. Commissioner **BLACK** abstained.

**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.

**PRESENTATION: Police Department Awards**

Each officer receiving an award demonstrated the highest level of professionalism in the performance of their duties.

- Chief's Letter of Recognition** – Detective Troy McNair for his work with Swatara Township Police on a violent robbery investigation at Peppermill Restaurant resulting in arrest and conviction
- Chief's Letter of Recognition** – Officer Katie Justh for her work in training and ensuring financial institutions in Lower Allen Township were prepared in handling hold up alarms
- Unit Citation** – Corporal Richard Tamanosky, Officer Tony Calaman, Officer Matthew Claeys, Officer Anthony Martinez, former Officer Charles Burckhardt and Officer William Buzzard of the Fairview Township Police Department for their actions in the immediate apprehension of an uncooperative subject who had just robbed the City Looks Salon in the Cedar Cliff Mall on December 18, 2006
- Chief's Letter of Recognition** -Community Service Officers Kenneth Crane, Gregory Ramberger, Kevin Kirsch and Joshua Sheaffer for the detailed revision and restructuring of the Field Training Program for the Community Service Officers
- Unit Citation** -Detective Troy McNair, Corporal Jeffrey Huff, Detective Justin Spaulding, Sergeant Leon Crone, Corporal Richard Tamanosky, Officer Matthew Claeys, Officer Michael Scarlato, former Officer Charles Burckhardt, and Chief Kenneth Beard and Officer Patrick Corkel of the Paxtang Police Department for their investigation and subsequent arrest of a strong armed robbery suspect
- Chief's Letter of Recognition** – Officer Anthony Martinez for his investigation and subsequent arrest of a hit and run driver
- Chief's Letter of Recognition** – Community Service Officers Jack Wolfe and John Young for the quick action at the Capital City Mall after detecting a propane leak
- Unit Citation** – Officer Douglas Foltz, Sergeant Gregory Thomas, Sergeant Leon Crone, Corporal Richard Tamanosky, Detective Justin Spaulding, Community Service Officer Gregory Ramberger, Public Safety Officer Bryce Landis and Director Frank Williamson for their response to a domestic assault incident
- Chief's Letter of Recognition** – Officer Douglas Foltz' dedication to physical conditioning, that allowed him to remain in a foot pursuit that lasted almost one hour over a distance of several miles
- Chief's Letter of Recognition** – Officer Samuel Morgan for assisting a fall victim on Grandview Ave in the Township
- Exceptional Citizen's Award** - Awarded to Brandon S. Strock, Tina and Elaina Musselman and Kaitlin Maiole for their assistance on October 21, 2007 to a fall victim on Grandview Ave in Lower Allen Township

## 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 10/25/07 in the amount of \$562,553.58. Warrants Journal of 11/08/07 in the amount of \$92,365.66. A manual checklist in the amount of \$80.50.
- b. Request No. 3 for Reduction in Improvement Security for SLD Docket No. 2005-22, Heights of Beacon Hill, Phase 3, establishing a new amount of \$375,045.00 and a new expiration date of November 13, 2008.
- c. Request No. 3 for Reduction in Improvement Security for SLD Docket No. 2004-10, Glenwood Terrace, establishing a new amount of \$11,928.40 and a new expiration date of November 13, 2008.
- d. Waiver of the requirement contained in Section 1173.04 to submit a Preliminary Plan for SLD Docket No. 2007-09, Land Development Plan for Oakwood Center Addition.
- e. Waiver of the requirement contained in Section 1181.09 to provide sidewalks for SLD Docket No. 2007-09, Land Development Plan for Oakwood Center Addition., 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 are not contrary to the public interest, and they maintain the purpose and intent of the Subdivision and Land Development Ordinance.

- f. SLD Docket No. 2007-09, Land Development Plan for Oakwood Center Addition, 880 Century Drive, contingent upon the following:
  1. Approval of the Erosion and Sediment Pollution Control Plan by Cumberland County Conservation District
  2. Executing the Developers Financial Security Agreement and providing financial security for improvements.
  3. Executing the Standard Stormwater Facilities and Best Management Practices (BMP) Maintenance and Monitoring Agreement.

- g. Executing the Standard Stormwater Facilities and Best Management Practices (BMP) Maintenance and Monitoring Agreement for SLD Docket No. 2007-09, Land Development Plan for Oakwood Center Addition.
- h. Waiver of the requirement contained in Section 1173.04 to submit a Preliminary Plan for SLD Docket No. 2007-11, Land Development Plan for Hampton Inn Lobby Addition.
- i. Waiver of the requirement contained in Section 1181.09 to provide sidewalks for SLD Docket No. 2007-11, Land Development Plan for Hampton Inn Lobby Addition., 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 are not contrary to the public interest, and they maintain the purpose and intent of the Subdivision and Land Development Ordinance.

- j. SLD Docket No. 2007-11, Land Development Plan for Hampton Inn Lobby Addition, 4950 Ritter Road.
- k. Approve Application for Payment #6 from Herre Bros., Inc. in the amount of \$88,984.46.
- l. Approve Application for Payment #7 from Silvertip, Inc. in the amount of \$81,526.95.
- m. Approve **Resolution 2007-R-30**, authorizing the President of the Board of Commissioners to execute Agility Agreement No. A-21021 with the Pennsylvania Department of Transportation.
- n. Approve **Resolution 2007-R-31, Per Capita Exonerations**, List Four of 2007.
- o. Tax Collector's Monthly Report to Taxing Districts for the months March 2007 - September 2007.

Commissioner **BLACK** would like items **6d through 6g** voted upon separately from the Consent Agenda. Commissioner **YOUNG** moved to approve the items on the Consent Agenda with the exception of items **6d through 6g**. Commissioner **BLACK** seconded the motion. Motion carried 4-0.

### **PRESIDENT TITZEL**

Commissioner **YOUNG** moved to accept items **6d through 6g** from the Consent Agenda for action. Vice-President **BUCHER** seconded the motion. Motion carried 3-1. Commissioner **BLACK** abstained.

Vice-President **BUCHER** moved to approve moving Danna Lutes, Township Secretary, to regular full-time status, as she has successfully completed her six month probationary period. Commissioner **BLACK** seconded the motion. Motion carried 4-0.

Commissioner **YOUNG** moved to approve authorizing the Township Manager to sign an amendment for a two-year extension of the solid waste and refuse contract with York Waste with two additions: a 4.5% rate increase equivalent to a rate of \$14.23/month in the second year and a clause for the Contractor to reduce rates in the event of reduced tipping fees. Commissioner **BLACK** seconded the motion. Motion carried 4-0.

Vice-President **BUCHER** moved to approve authorizing the Finance Director to sign the “Understanding of Services Agreement” between Lower Allen Township and Maher Duessel, CPAs, dated October 9, 2007, for annual audits for years ending December 31, 2007, 2008 and 2009, for fees not to exceed \$19,000, \$19,650 and \$20,320 respectively. Commissioner **YOUNG** seconded the motion. Motion carried 4-0.

**ADOPT ORDINANCE 2007-15, AN ORDINANCE AMENDING, MODIFYING AND CHANGING THE CODE OF THE TOWNSHIP OF LOWER ALLEN, 1997, BY REPEALING CHAPTER 197 TAXATION ARTICLE III, EMERGENCY AND MUNICIPAL SERVICES TAX AND BY ENACTING THIS ORDINANCE A NEW CHAPTER 197, ARTICLE III, TO BE KNOWN AS THE LOCAL SERVICES TAX.**

Commissioner **YOUNG** moved to adopt **Ordinance 2007-15**, an ordinance amending, modifying and changing the Code of the Township of Lower Allen, 1997, by repealing Chapter 197 Taxation Article III, Emergency and Municipal Services Tax and by enacting this Ordinance a new Chapter 197, Article III, to be known as the Local Services Tax.

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

**Ordinance 2007-15** was adopted by a 4-0 vote.

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

George Coughlin from York Waste Disposal Company thanked the Board for extending their contract for another new two years and he looks forward to working with the Township. President **TITZEL** responded in stating that the Township is pleased with the services of York Waste Disposal.

**ADMINISTRATIVE SERVICES**--Jan Faust, Assistant Manager

Discussion entailed regarding the new performance evaluation that was successfully launched. It was suggested that this new evaluation be copyrighted.

**PUBLIC SAFETY**--Frank Williamson, Public Safety Director

Mr. Williamson advised the Board that Officer Briana Stevenson completed her twelve month probationary period.

**COMMUNITY DEVELOPMENT**--John Eby, Township Planning/Zoning Coordinator

There were no zoning hearing board dockets to discuss.

Mr. Eby offered a quick update on the street maintenance resurfacing program.

Mr. Eby advised the Board that the perimeter fence was replaced at Highland Estates Playground.

Permission was granted for authorizing Staff and Solicitor to prepare and advertise an Ordinance for installation of stop signs at uncontrolled intersections and other traffic control devices.

**MANAGER**--Thomas Vernau

Discussion entailed regarding amendments to be made to Ordinance 96-7 section 187, Article V, Snow and Ice Removal.

Mr. Vernau will make sure the Ordinance is written correctly and if it looks good he will ask permission to advertise at the next meeting. He would have liked this to be in place at the beginning of December but it looks like it will not be until the beginning of January and he apologizes for the delay.

He is also looking into snow shoveling for the highway crew. A problem arose last year due to high volume of snow. Workers are busy with the plows and cannot get to the sidewalks. Mr. Vernau is trying to determine if the areas we now shovel are really township responsibility, if there is any areas where adjoining property owners can take the responsibility, and if we can hire contractors for the areas that we are liable to shovel and haven't been getting to.

President **TITZEL** asked if township has snow blowers for this task and Mr. Vernau's answer was affirmative and added that snow blowers cannot be used in all snow situations and shoveling is still necessary.

**CLOSING STATEMENTS**

Mr. Eby thanked the Board and staff for all their support through a rough October for him.

Ms. Dietel advised the Board that they will be receiving their October financials in their packets this week. She was able to find an additional \$200,000 and this helps reduce the deficit. Ms. Dietel would like to discuss the street light project at the next meeting.

Commissioner **YOUNG** noted that the presentation of awards to our police department exemplifies the Board's cooperation and the inter-municipal cooperation between ourselves and other police departments and he adds that this is a credit to the agency and a credit to the township. Mr. Williamson will pass this comment on to individuals not present at the meeting.

**RECESS TO EXECUTIVE SESSION**

The Regular Meeting of the Board of Commissioners recessed to Executive Session at 8:35 p.m.

**RECONVENE REGULAR MEETING OF THE BOARD OF COMMISSIONERS**

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

**ADJOURN**

The Regular Meeting of the Board of Commissioners adjourned at 9:30 p.m.