

**MINUTES**

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

NOVEMBER 24, 2008

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  
Daniel Flint, Community  
Development  
John Eby, Planning and Zoning  
Coordinator  
Nancy Dietel Finance Director  
Frank Williamson, Chief of  
Police/Public Safety Director  
Rodney Mumma, LAT Fire Chief  
Steven P. Miner, Solicitor  
Trudy Metzel, 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.

**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.

**RECESS REGULAR MEETING**

The Regular Meeting of the Board of Commissioners recessed at 7:31 p.m.

**CONVENE CONTINUATION OF PUBLIC HEARING: APPLICATION OF BHH PARTNERS FOR MODIFICATION TO THE FINAL PLANNED RESIDENTIAL DEVELOPMENT (PRD) PLAN FOR THE HEIGHTS OF BEACON HILL, PHASE 2**

The continuation of the public hearing regarding the application of BHH Partners for modification to the Final Planned Residential Development (PRD) for The Heights of Beacon Hill Phase 2 convened at 7:32 p.m.

PROCEEDINGS

PRESIDENT TITZEL: We will recess the Regular Meeting and continue the Public Hearing, the application of BHH Partners for modification to the Final Planned Residential Development (PRD) Plan for The Heights of Beacon Hill, Phase 2.

Dan.

MR. FLINT: Good evening. The last time the hearing was open on this matter was a continuation to allow agreement between the parties, the seven adjacent property owners and BHH Partners, on the elimination of the fence on the Development Plan. We have sent waivers to the seven properties owners along the fence. It is one of the things they have been waiting for. We have received one of the waivers back signed, so we are still waiting for the other six.

Also, BHH Partners has provided a check in the amount of \$7,722.00 to the homeowners provided to one of the homeowners representing the group to be put toward installation of their individual fences on the properties.

At this point, the only outstanding issue is to wait for the additional waivers to come back. We understood that all property owners agreed in principle to the waiver. We just don't have that in hand at this point.

I think it would be up to the Board if you just want to close the record and wait until we have those agreements in hand to take adjudication and make a decision or would you rather keep the record open until those agreements are received. I don't think the agreements need to be a part of record. They can be referenced in the adjudication. So there really isn't additional testimony or information to be put on the record.

COMMISSIONER BLACK: Mr. President.

PRESIDENT TITZEL: Yes.

COMMISSIONER BLACK: Would you ask if there is anyone in the audience representing either party.

PRESIDENT TITZEL: Is there anyone representing either party on this issue?

COMMISSIONER BLACK: Ok. Seeing no hands, I would make the motion that we close the record. I do have a few clarifications during the question period, but I make the motion that we close the record on this matter.

COMMISSIONER CHRIST: Second the motion.

PRESIDENT TITZEL: Ok. There's a motion to close the record and a second on that motion. Any questions on the motion?

COMMISSIONER BLACK: Yes. The waivers, so everyone understands, have to do with not requiring the fence installation as was noted on the original Plan. Correct Dan?

MR. FLINT: That's correct.

COMMISSIONER BLACK: And I think you said \$7,722.00 that the developer gave to those homeowners or the Homeowners Association represented the value of the chain-link fence that he proposed to install. Is that correct?

MR. FLINT: Correct.

COMMISSIONER BLACK: Does the waiver that they're getting, does that require them to participate in the difference of cost between chain-link and the ornamental they wanted.

MR. FLINT: It wasn't that. It's a private matter between the developer and the homeowners whether they wanted a fence or not. The Township is not a party to those negotiations.

COMMISSIONER BLACK: How will we be assured that we will get the safety of the fence at the top of that bank, whether it's chain-link or whether it's ornamental.

MR. FLINT: Well, that would be up to the individual property owners if they want a fence or not. It would be their responsibility to put on in if they decide they want one. Not every homeowner wanted a fence.

COMMISSIONER BLACK: So you're comfortable and I presume our Solicitor is comfortable that, you know, by asking them to waive that original fence, so to speak, they assume responsibility for anything that happens at the top of the bank.

MR. FLINT: Correct.

MR. MINER: The Plan was changed and they're giving this Board, this is their assurance that they are waiving that requirement and will accept that the Plan changed. And it is really up to this Board whether you wish to leave the record open until we have all the waivers but as I would suspect it's probably the cleanest way to do it is to finish the adjudication when Dan has received the other waivers so we have some assurance.

COMMISSIONER BLACK: Thank you Mr. President.

PRESIDENT TITZEL: There's a motion and a second on the motion. Are there any other questions?

COMMISSIONER CHRIST: Just one question. Dan, when were those waivers mailed.

MR. FLINT: October 20<sup>th</sup>. I just got one.

PRESIDENT TITZEL: Ok. We will move for a vote. All in favor signify by saying Aye. That's a 5-0. Ok.

We will adjourn the public hearing and reconvene the Regular Meeting.

### **ADJOURN PUBLIC HEARING**

The public hearing regarding the Application of BHH Partners for modification to the Final Planned Residential Development (PRD) Plan for The Heights of Beacon Hill, Phase 2 adjourned at 7:36 p.m.

### **RECONVENE REGULAR MEETING**

The Regular Meeting of the Board of Commissioners reconvened at 7:36 p.m.

### **RECESS TO EXECUTIVE SESSION**

The Regular Meeting of the Board of Commissioners recessed to Executive Session at 7:37 p.m. for the following personnel issue:

1. Public Safety Candidate Selection.

## **RECONVENE REGULAR MEETING**

The Regular Meeting of the Board of Commissioners reconvened at 7:43 p.m.

## **CONSENT AGENDA**

President TITZEL 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 such request.

Commissioner BLACK requested **Resolution 2008-R-35** and **Resolution 2008-R-36**, having to do with the hiring of two Public Safety Officers be removed for further discussion.

Commissioner CHRIST moved to approve the items on the Consent agenda as amended, those items being:

1. Warrants Journal of November 20, 2008 in the amount of \$270,680.45.
2. Department Reports for the month of October 2008, including: Public Works, Community Development, and Public Safety.
3. Drainage Plan No. DP 20088-04, SCI Camp Hill Emergency Coal Conveyance and Storage, 2500Lisburn Road.
4. Waiver of the street requirements contained in Section 1177.02(c) to allow pavement width of eighteen feet for the section of Haralson Road east of Zestar Street, for SLD Docket No. 2008-01, Preliminary Subdivision Plan for Orchard Glen.
5. Waiver of the requirement contained in Section 11981.07 to install curb for the section of Haralson Road east of Zestar Street, for SLD Docket No. 2008-01, Preliminary Subdivision Plan for Orchard Glen.
6. Waiver of the requirement contained in Section 1181.09 to install sidewalk for the section of Haralson Road east of Zestar Street, for SLD Docket No. 2008-01, Preliminary Subdivision Plan for Orchard Glen.
7. Waiver of the requirement contained in Section 184-12 to submit an Erosion and Sediment Pollution Control Plan with the Stormwater Management Plan, for SLD Docket No. 2008-01, Preliminary Subdivision Plan for Orchard Glen.
8. Waiver of the requirement contained in Section 1177.02(d)(4)B that prohibits interior islands, to allow an interior island in the cul-de-sac of Zestar Street, for SLD Docket No. 2008-01, Preliminary Subdivision Plan for Orchard Glen.

9. SLD Docket No. 2008-01, Preliminary Subdivision Plan for Orchard Glen, contingent upon the following:
  - a. Providing evidence of approval for work within pipeline and utility easements.
10. **Resolution 2008-R-34** to accompany grant application through the Department of Community and Economic Development for projects through the Land Use Planning and Technical Assistance Program.

Vice-President BUCHER seconded the motion. Motion carried 4-0.

**APPROVE RESOLUTION 2008-R-35 HIRING PUBLIC SAFETY OFFICER JAMES GRUNDON**

Commissioner BLACK moved to approve **Resolution 2008-R-35**, hiring Public Safety Officer James Grundon. Commissioner CHRIST seconded the motion. Motion carried 5-0.

**APPROVE RESOLUTION 2008-R-36, HIRING PUBLIC SAFETY OFFICER THOMAS E. COOK**

Commissioner BUCHER moved to approve **Resolution 2008-R-36**, hiring Public Safety Officer Thomas E. Cook. Commissioner CHRIST seconded the motion. Motion carried 5-0.

**APPROVE AUTHORIZING THE SOLICITOR TO PREPARE AN ADJUDICATION RE: ZONING ORDINANCE AMENDMENT DOCKET 2007-02, THE APPLICATION OF LIBERTY FORGE GOLF COURSE, INC. WHICH PROPOSES TO CREATE A CONSERVATION PARK OVERLAY DISTRICT**

Commissioner YOUNG moved to approve authorizing the Solicitor to prepare adjudication *in the negative* regarding Zoning Ordinance Amendment Docket 2007-02, the application of Liberty Forge Golf Course, Inc., which proposes to create a Conservation Park Overlay District. Said adjudication shall reflect the Board of Commissioners acceptance of the March 20, 2008 recommendation from Cumberland County Planning Commission and also the acceptance of the July 3, 2008 recommendation from Lower Allen Planning Commission. Vice-President BUCHER seconded the motion. Motion carried 5-0.

**APPROVE FIFTEENTH ADDENDUM TO THE SEWER SERVICE AGREEMENT WITH UPPER ALLEN TOWNSHIP, FAIR OAKS DEVELOPMENT AREA**

Vice-President BUCHER moved to approve the Fifteenth Addendum to the Sewer Service Agreement with Upper Allen Township, Fair Oaks Development Area. Commissioner CHRIST seconded the motion. Motion carried 5-0.

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

President TITZEL asked if anyone in the audience would like to address the Board on any business pertinent to the Township.

There was no response.

**COMMUNITY DEVELOPMENT**

**Discussion and Possible Action: Selection of a Public Hearing Date on the Peiffer Application to Vacate "Playground Drive"**

Mr. Eby reviewed the Peiffer application to vacate Playground Drive. Discussion ensued regarding a public hearing date on the Ordinance to accomplish the vacation of Playground Drive.

Vice-President BUCHER moved to establish December 22, 2008 at 7:30 p.m. as the public hearing date on the Peiffer application to vacate Playground Drive. Commissioner YOUNG seconded the motion. Motion carried 5-0.

**Discussion: Appointment of New Alternate Sewage Enforcement Officer**

Mr. Eby advised the Commissioners that the Township is required by state law to have an Alternate Sewage Enforcement Officer. In the past, an in-house HRG staff SEO was used. That person is no longer on staff with HRG. HRG advised Mr. Eby that they do not intend to replace the SEO; they are going to sub-contract.

Discussion ensued.

Staff will discuss the matter and make a recommendation at a future meeting.

**Discussion: SLD Docket No. 2008-11, Land Development Plan for Cedar Cliff High School, Library and Cafeteria Renovations**

Mr. Flint reviewed the proposed renovations for the Cedar Cliff High School library and cafeteria renovations and additional parking spaces. Waivers have been requested for:

1. Curb and fill-in paving along Cedar Cliff Drive.
2. Sidewalk along West Shore Drive.

Township Planning Commission recommended approval of the waivers.

Discussion ensued.

This is a possible agenda item for December 8, 2008.

**Dedication of Streets, SLD Docket No. 2000-11, Heights of Beacon Hill, Phase 2**

Mr. Flint advised the Commissioners that construction of the streets in this phase has been completed. A request to dedicate those streets to the Township has been received from the developer

This is a possible agenda item for December 8, 2008.

**Discussion: Adjudication Regarding Application of BHH Partners for Modification to the Final Planned Residential Development (PRD) Plan for The Heights of Beacon Hill, Phase 2**

Mr. Flint stated that the motion earlier in the meeting was to close the record.

Mr. Miner stated that all waivers should be received by the Township before action on adjudication is taken.

Commissioner CHRIST asked if it would make sense to establish a deadline for the remaining six waivers to be received. Discussion ensued. It was the directive of the Commissioners that the deadline for receipt of the remaining waivers would be January 12, 2009 or it reverts to the original plan.

**MANAGER**

**Discussion and Possible Action: Request by West Shore Recreation Commission for Payment of a Special Assessment for 2008**

Mr. Vernau advised the Commissioners that a letter was received from the West Shore Recreation Commission outlining its experience they have had this year with the decrease of people signing for various activities. As a result, they are running on a \$13,000.00 deficit for the year. West Shore Recreation Commission is asking each municipality and the school district for a special assessment for 2008 in order to balance its budget. Lower Allen's portion of the special assessment is \$3,341.40.

Discussion ensued.

Commissioner BLACK moved that the Township pay the requested special assessment for the West Shore Recreation Commission in the amount of \$3,341.40. Commissioner YOUNG seconded the motion. Motion carried 4-0-1, Vice-President BUCHER opposed.

### **Update on Wood-Burning Appliance Ordinance**

Mr. Vernau advised the Commissioners that a draft ordinance has been completed on outdoor wood-burning appliances. There are a number of issues that need to be discussed at Staff meeting.

A draft should be ready for review at the next Board of Commissioners meeting.

Discussion ensued.

### **OTHER BUSINESS**

Mr. Vernau advised the Commissioners that quotes for the acoustical panels and the screen are due Friday with work being completed by December 31, 2008.

On behalf of Representative Jerry Nailor, Commissioner YOUNG thanked Township staff and everyone for the retirement event.

### **ADJOURN**

The Regular Meeting of the Board of Commissioners adjourned at 8:32 p.m.

### **ATTENDANCE REGISTER**

An Attendance Register is made part of this record.