

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

DECEMBER 26, 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
Daniel Flint, Community Development
Frank Williamson, Public Safety Director
Rodney Mumma, LAT Fire Chief
Christopher Yohn, EMS Captain
Steven P. Miner, Solicitor
Trudy Metzler, 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 FOR OCTOBER 31, 2007 SPECIAL MEETING OF THE BOARD OF COMMISSIONERS

Commissioner CHRIST moved to approve the minutes for the October 31, 2007 Special Meeting of the Board of Commissioners as amended. Vice-President BUCHER seconded the motion. Motion carried 4-0-1, Commissioner BLACK abstaining.

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 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 request for the removal of any item(s) on the Consent Agenda.

Commissioner CHRIST requested the Warrants Journal of December 20, 2007 in the amount of \$272,991.00 be removed from the Consent Agenda.

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

1. Department Reports for the month of November, including: Engineer, Public Works, and Public Safety. .
2. **Resolution 2007-R-35**, Police Pension Fund Employee Contribution Requirements.
3. **Resolution 2007-R-36**, Treasurer's Bond.
4. **Resolution 2007-R-40**, establishing fees and charges authorized by various Ordinances and Statutes for administration of Township Business in accordance with these Ordinances and Statutes.
5. Payment of Application #8 to Silvertip, Inc. for Plumbing Construction in the amount of \$90,344.70 for the Emergency & Municipal Services Center.
6. Payment of Application #8 to Silvertip, Inc. for HVAC Construction in the amount of \$92,519.52 for the Emergency & Municipal Services Center.
7. Awarding a contract in the amount of \$14,107.77 to Herr Signal and Lighting Co., Inc. for installation of School Zone Flashing Warning Devices on Gettysburg Road at Allen Middle School.
8. **Resolution 2007-R-42**, accepting dedication of Cobble Court as a public street.
9. **Resolution 2007-R-43**, accepting dedication of Harwich Court as a public street.
10. **Resolution, 2007-R-44**, accepting dedication of Longfellow Court as a public street.
11. **Resolution 2007-R-45**, accepting dedication of Tisbury Circle as a public street.
12. **Resolution 2007-R-46**, accepting dedication of Northampton Lane as a public street.
13. **Resolution 2007-R-47**, accepting dedication of a portion of Lowell Lane as a public street.
14. **Resolution 2007-R-48**, accepting dedication of a portion of Lowell Lane at Tisbury Circle as a public street.
15. **Resolution 2007-R-49**, accepting dedication of a portion of Sconsett Way as a public street.
16. **Resolution 2007-R-50**, accepting dedication of a portion of Capitol View Drive as a public street.
17. **Resolution 2007-R-39**, Executive Secretary, Public Safety Department.

Commissioner BLACK seconded the motion. Motion carried 5-0.

Commissioner CHRIST inquired if there was another outlet available to the Township for parts or was Sutliff GM Parts Center the only outlet in the area. Mr. Vernau responded that parts are purchased based on the lowest price.

Commissioner CHRIST moved to approve the Warrants Journal of December 20, 2007 in the amount of \$272,991.00. Vice-President BUCHER seconded the motion. Motion carried 5-0.

APPROVE MOVING DONNA PAUL, COMMUNITY AND HUMAN RESOURCES SPECIALIST TO REGULAR FULL-TIME STATUS

Vice-President BUCHER moved to approve moving Donna Paul, Community and Human Resources Specialist to regular full-time status, as she has successfully completed her six (6) month probationary period. Commissioner YOUNG seconded the motion. Motion carried 5-0.

APPROVE ORDINANCE 2007-17, AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING THE FISCAL YEAR 2008

Commissioner YOUNG moved to approve **Ordinance 2007-17**, an Ordinance of the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the Municipal Government, hereinafter set forth, during the Fiscal Year 2008. .

Roll Call vote:	Commissioner Black:	Aye
	Commissioner Christ:	Aye
	Commissioner Young:	Aye
	Vice President Bucher:	Aye
	President Titzel:	Aye

Ordinance 2007-17 was adopted by a 5-0 vote.

APPROVE ORDINANCE 2007-19, AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TONWSHIP, CUMBERLAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 2008

Commissioner CHRIST moved to approve **Ordinance 2007-19**, an Ordinance of the Board of Commissioners of Lower Allen Township, Cumberland County, Commonwealth of Pennsylvania, fixing the Tax Rate for the Year 2008.

Roll Call vote:	Commissioner Black:	Aye
	Commissioner Christ:	Aye
	Commissioner Young:	Aye
	Vice President Bucher:	Aye
	President Titzel:	Aye

Ordinance 2007-19 was adopted by a 5-0 vote.

APPROVE ORDINANCE 2007-20, AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, COMMONWEALTH OF PENNSLVANIA, AMENDING, CHANGING AND MODIFYING THE CODIFIED ORDINANCES OF LOWER ALLEN TONWHIP, 1997, AS AMENDED, SECTION 32-7, DEALING WITH COMPENSATION OF THE TOWNSHIP MANAGER

Commissioner YOUNG moved to approve **Ordinance 2007-20**, an Ordinance of the Board of Commissioners of Lower Allen Township, Cumberland County, Commonwealth of Pennsylvania, amending, changing and modifying the Codified Ordinances of Lower Allen Township, 1997, as amended, Section 32-7, dealing with Compensation of the Township Manager.

Roll Call vote:	Commissioner Black:	Aye
	Commissioner Christ:	Aye
	Commissioner Young:	Aye
	Vice President Bucher:	Aye
	President Titzel:	Aye

Ordinance 2007-19 was adopted by a 5-0 vote.

APPROVE RESOLUTION 2007-R-51, A RESOLUTION EXPRESSING OBJECTION TO THE UNFUNDED COST IMPACT OF THE CHESAPEAKE BAY TRIBUTARY STRATEGY ON SEWAGE TREATMENT FACILITY RATEPAYERS IN OUR MUNICIPALITIES AND RAISING SERIOUS CONCERN REGARDING THE EFFECTIVENESS OF THE STRATEGY; AND REQUESTING INTERVENTION BY OUR ELECTED REPRESENTATIVES IN THE PENNSYLVANIA GENERAL ASSEMBLY AND THE CONGRESS OF THE UNITED STATES IN SECURING A MORATORIUM ON FURTHER REGULATORY IMPLEMENTATION OF THE CHESAPEAK BAY TRIBUTARY STRATEGY IN PENNSYLVANIA UNTIL SUCH TIME AS THE OBJECTION AND CONCERN HAS BEEN FULLY ADDRESSED

Commissioner CHRIST moved to approve **Resolution 2007-R-51**, a resolution expressing objection to the unfunded cost impact of the Chesapeake bay tributary strategy on sewage treatment facility ratepayers in our municipalities and raising serious concern regarding the effectiveness of the strategy; and requesting intervention by our elected representatives in the Pennsylvania general assembly and the congress of the united states in securing a moratorium on further regulatory implementation of the Chesapeake Bay Tributary strategy in Pennsylvania until such time as the objection and concern has been fully addressed. Commissioner BLACK seconded the motion. Motion carried 5-0.

APPROVE ORDINANCE 2007-18, AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP ADDING A SPEED LIMIT AT SECTION 209-50; ADDING STOP RESTRICTIONS AT SECTION 209-58; ADDING A RIGHT TURN ON RED PROHIBITION AT SECTION 209-52; ADDING PARAKING PROHIBITIONS AT SECTION 209-64; AND ADDING TIME-LIMIT PARKING AT SECTION 209-65

Commissioner BLACK moved to approve **Ordinance 2007-18**, an Ordinance of the Board of Commissioners of Lower Allen Township adding a speed limit at Section 209-50; adding stop restrictions at Section 209-58; adding a right turn on red prohibition at Section 209-52; adding parking prohibitions at Section 209-64; and adding time-limit parking at Section 209-65.

Roll Call vote:	Commissioner Black:	Aye
	Commissioner Christ:	Aye
	Commissioner Young:	Aye
	Vice President Bucher:	Aye
	President Titzel:	Aye

Ordinance 2007-18 was adopted by a 5-0 vote.

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.

Carol Hartwell, 11564 Manor Drive, Mechanicsburg, identified herself to the Board. Ms. Hartwell requested the Township apply to the Pennsylvania Department of Environmental Protection for an amended water supply permit to request Pennsylvania American Water Company to stop fluoridation of the public water supply. Ms. Hartwell advised the Board that Rodney Nesmith, from DEP, sent Ms. Hartwell the procedures for doing so, in light of the information she presented at the last Board of Commissioners meeting on the hazards of ingesting fluoride. Ms. Hartwell stated that the fluoride is not what is found in toothpaste or the dentist office. It is a waste by-product of the phosphate fertilizer industry. Ms. Hartwell stressed it is not the water company's job to medicate the public and since the Township permitted the water company to do so, perhaps 70 years ago, it is up to the Township to request the permit to have the water company cease adding fluoride. In addition, Ms. Hartwell asked the Board to also notify the other townships that are serviced by Pennsylvania American Water Company in the fluoridated areas because all the townships must agree. She was not certain that the Township must notify its residents; it's the water company's job. Ms. Hartwell stated that it is also the water company's job to advise its customers of the hazards of fluoridation. Ms. Hartwell advised the Board that last year the American Dentistry Association put out a warning to its members to instruct caregivers and parents not to give fluoride to infants.

Ms. Hartwell advised the Board that there is a House Bill pending and that she has e-mailed Dwight Evans and Michael O'Brien. She requested the Board act urgently in order to defeat the House Bill. Ms. Hartwell stated that the CDC found that American children are not overdosed on fluoride.

President TITZEL stated that to his knowledge the Township has never approved or ever acted on this issue and asked if Ms. Hartwell could provide evidence of when this took place. Ms. Hartwell responded that she would forward her e-mails to the Township Manager. Ms. Hartwell advised the Board that Rodney Nesmith from DEP stated it was about 70 years and that all the Townships had to be in agreement at that time. President TITZEL stated that 70 years ago the Township was a 2nd Class Township. Discussion ensued.

COMMUNITY DEVELOPMENT

Discussion RE: Dedication of Public Streets in The Heights of Beacon Hill, Phase 2: Vineyard Haven, portions of Lowell Lane and Sconsett Way

Mr. Flint advised the Board that a request and documentation for dedication of streets in Phase 2 of The Heights of Beacon Hill, those streets being:

1. Remainder of Lowell Lane
2. Vineyard Haven
3. Portion of Sconsett Way

Pending the final field inspection, this is possible agenda item for January 7, 2008.

Discussion RE: Proposed Agreement fro LFGC, Inc., Re: Pending Construction Permit Applications for Two Dining Facilities from a Previously Approved Land Development Plan

Mr. Flint advised the Board that a proposal has been received from Liberty Forge Golf Course regarding pending construction permit applications which relate back to a Land Development Plan that was approved in 2002. This is the portion of the property between Lisburn Road and Yellow Breeches Creek. Earlier this year application was made for construction of two buildings that would house dining facilities.

Mr. Flint further advised the Board that the Township has gone through the normal review process for construction permits. There are a number of comments that need to be addressed. Liberty Forge has not responded to all the comments; some of the changes needed on the plan may not be needed with the pending zoning change. LFGC has requested that the applications be put on hold and not take any action on those building permit applications until the zoning ordinance amendment issue is settled.

Mr. Miner stated that from a legal standpoint, he has no objection to the agreement. Extensive discussion ensued. This will be an agenda item for January 28, 2008.

MANAGER

Discussion RE: Committee Appointments

Mr. Vernau advised the Board that committee appointments will be an agenda item for approval on January 7, 2008 and requested he be notified if any of the Commissioners would like to change appointments.

Discussion RE: Skate Park Feasibility Study

Mr. Vernau advised the Board that he would like to get a feeling as to where the Board stands with the Skate Park Feasibility Study recently conducted by West Shore Recreation. Two locations were identified in Lower Allen Township. The one at Wass Park would be a street-skate and other would be a transition. Mr. Vernau stated it was pointed out to the engineering firm WSR hired as a consultant was that the figure used as the population in Lower Allen Township includes the prisoners at the State Correctional Institute of Camp Hill on Lisburn Road. Mr. Vernau requested the figures be decreased, but it has not yet been received. Mr. Vernau felt that when that happens, Wass Park will drop in the engineering firms rating. Regardless, the areas identified are not actually in Wass Park; one is owned by Bethany Village and other by United Methodist.

Commissioner CHRIST inquired if there was any kind of cost estimate yet. Commissioner BLACK responded that there has not been any cost estimate. The facilities are 13,000 square-feet in LACP and approximately 4,000 square feet next to Wass Park.

Commissioner BLACK advised the Board that he contacted Carmen Williams regarding the dispute raised at the last presentation on behalf of York County. York County gave the money for the grant and

there was so little done in York County. As Lower Allen's representative to WSR, Commissioner BLACK urged Ms. Williams to resolve the issue with York County. To date, Commissioner BLACK has heard nothing. Mr. Vernau advised that he has not heard anything either.

Vice-President BUCHER inquired if the prison property was still on the table. Commissioner BLACK advised that it is not.

Regarding the issue of who would pay for the park/s, Commissioner BLACK advised the Board that the municipality within which a park is located is expected to pay for the park. Vice-President BUCHER inquired who would be responsible for maintenance costs. Commissioner BLACK advised that those costs would be the responsibility of the municipality in which the park is located. Commissioner BLACK stated that if West Shore Rec wants to do the study, it should step-up, pull all the municipalities together and apply for the grant.

Commissioner CHRIST stated that he would rather look at the Master Plan, look at the ped/bike trails and other places the Township is heading. He further stated that he has little doubt that there are people in the Township who would enjoy this facility, but feels there would be far more use of things already in the Master Plan.

Mr. Vernau stated that a street skate park would be a lot less expensive. Another look can be taken at the LACP Comprehensive Plan as there may be things that were identified three/four years ago that the Township is no longer interested in that would make room for a nice skateboard park.

Discussion: Tax Collection Consolidation Legislation

Mr. Vernau advised the Board that he received a position paper from the West Shore Tax Bureau asking the Township to support House Bill No. 1458 and oppose House Bill 1550 as well as Senate Bill 1063. House Bill 1458 would try to consolidate tax collection at the school district level and still allow municipalities to have a voice. The other pieces of legislation consolidates at the county level, in which case every municipality has representative voting power on the council, but there would be a weighted amount so the smaller municipalities would not have as much voice as the larger ones. There is also the potential to slow down the receipt of the money. Employers have the option of paying all their employment taxes to one collector regardless of where their employees work or live. Extensive discussion ensued.

This will be an agenda item for January 28, 2008 for additional discussion.

Discussion: Girl Scout Project Proposal for LACP

Mr. Vernau advised the Board that the Township has received a request by a Girl Scout for her Gold Award Project. She wants to build a butterfly garden in LACP. Mr. Vernau stated that this project is in line with other scout projects in this area of the Park. If she is approved for the project, Mr. Vernau and Mr. Chianos will meet with her at the Park to determine the location.

Discussion: Board's Direction on all Correspondence from Developers to go through Township Manager

Mr. Vernau advised the Board that he would like them to consider directing developers that all correspondence goes through the Manager's office. There have been letters received by the entire Board and sometimes individual Board members regarding developments in the Township. Discussion ensued.

Commissioner CHRIST moved to reaffirm a previous policy of the Lower Allen Township Board Commissioners that any correspondence from developers go through the Manager's office and/or the appropriate staff member. Commissioner YOUNG seconded the motion. Motion carried 5-0.

RECESS TO EXECUTIVE SESSION

The Regular Meeting of the Board of Commissioners recessed to Executive Session at 8:50 p.m. for the following:

1. Personnel discussion: Police Chief salary
2. Legal: Lower Allen Twp. vs. Department of General Services

RECONVENE REGULAR MEETING

The Regular Meeting of the Board of Commissioners reconvened at 9: 45 p.m.

LOWER ALLEN TOWNSHIP VS THE DEPARTMENT OF GENERAL SERVICES

Commissioner CHRIST moved that in the matter of Lower Allen Township vs. the Department of General Services, the Solicitor not pursue an appeal on the Determination made by the Administrative Board of Claims. Commissioner YOUNG seconded the motion. Motion carried 5-0.

OTHER BUSINESS

Vice-President BUCHER advised the Board that there is a vacancy on the Authority Board. Mr. Vernau advised that appointments will be an agenda item for January 7, 2008.

Vice-President BUCHER stated that on Election Day he was approached by several residents around Oxford Drive regarding speeding, increased traffic, etc. Mr. Flint advised that speeds have not changed, but volume has increased.

Commissioner BLACK stated that the Board allowed a lot of information regarding fluoridation of water to be directed to the Manager. If Mr. Vernau goes through the information and needs clarification, Commissioner BLACK would like to give Mr. Vernau the authority to set-up presentations for the board with someone from DEP that understands what the chemical attributes of fluoridation are and also request a representative from Pennsylvania American Water Company to be present. The Board gave Mr. Vernau the authority to set up presentations to the Board of Commissioners if he feels it is necessary.

ADJOURN

The Regular Meeting of the Board of Commissioners adjourned at 9:55 p.m.

ATTENDANCE REGISTER

An Attendance Register is made part of this record.