

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

August 28, 2023

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

TOWNSHIP PERSONNEL

Dean W. Villone, President

Thomas G. Vernau, Township Manager

H. Edward Black, Vice President

Erin G. Trone, Director, Community &
Economic Development

Jennifer Caron

Steven P. Miner, Township Solicitor

Joshua Nagy

Richard A. Grove, Finance Director

Charles Brown

Rebecca Davis, Public Works Director

David Holl, Public Safety Director

Nate Sterling, Administrative Secretary

Renee' Greenawalt, Recording Secretary

President Villone called the August 28, 2023 Regular Meeting of the Board of Commissioners to order at 6:00 PM. He announced that Proof of Publication for the meeting was available for review. This was followed by a prayer and the Pledge of Allegiance.

MEETING MINUTES:

President Villone requested a motion to approve the minutes of the August 14, 2023 Regular Meeting. Commissioner **BROWN** made the motion to approve the minutes as submitted. Vice President **BLACK** seconded. The motion was carried 5-0.

AUDIENCE PARTICIPATION: Any item on the agenda.

President Villone advised the audience that if there were any item on that evening's agenda that they wished to comment on, to please indicate as such. Two residents indicated intent to speak on Agenda Item #9 – Tommy Car Wash Subdivision and Land Development Plan,

CONSENT AGENDA:

President Villone stated that any Commissioner, staff member, or anyone in attendance who would like to have an item on the Consent Agenda removed for further discussion, they could do so at that time. There were none.

Items on the Consent Agenda:

a. Department Reports for the month of July for Community Development, Fleet Maintenance, Facility Maintenance, and Public Works.

b. The Check Register of August 25, 2023 in the amount of \$359,982.58.

c. Approval to move Jason Druckemiller from Probationary to Regular full-time status effective August 28, 2023, as he has satisfactorily completed his probationary period.

Commissioner **NAGY** moved to approve the items on the Consent Agenda. Commissioner **CARON** seconded. The motion carried 5-0.

PRESIDENT VILLONE:

Crone to enter DROP

President Villone requested a motion to approve Captain Leon G. Crone's entrance into the Deferred Retirement Option Plan (DROP) effective October 1, 2023. The DROP period will be three (3) years ending October 1, 2026, at which time Capt. Crone will retire.

Vice President **BLACK** made the motion, with regrets. Commissioner **BROWN** seconded. The motion passed 5-0.

Floodplain Ordinance

President Villone requested a motion to to enact **ORDINANCE 2023-04**, an Ordinance modifying and changing the Code of the Township of Lower Allen, 1997, Chapter 110 – Floodplain Management. He noted a public hearing on the issue had been held just prior to the current meeting.

Commissioner **BROWN** made the motion to enact **ORDINANCE 2023-04**. The Secretary called the roll:

Commissioner Caron – **Aye**

Vice-President Black – **Aye**

President Villone – **Aye**

Commissioner Brown – **Aye**

Commissioner Nagy – **Aye**

The motion carried 5-0.

Ordinance Codification Update

President Villone requested a motion to enact **Ordinance 2023-05**, to approve, adopt and enact an Ordinance Codification for the Township of Lower Allen, County of Cumberland, Pennsylvania; to provide for the repeal of certain legislation not included therein; to save from repeal certain other legislation not included therein; and to provide penalties for violations of the Code.

Commissioner **CARON** made the motion to enact **Ordinance 2023-05**. The Secretary called the roll:

Commissioner Nagy – **Aye**

Commissioner Brown – **Aye**

President Villone – **Aye**

Vice-President Black – **Aye**

Commissioner Caron – **Aye**

The motion carried 5-0.

ANY BUSINESS PERTINENT TO THE TOWNSHIP:

President Villone noted that if anyone wished to speak at that time, there would be 10 minutes allotted per person to speak at the podium.

Mr. Joe Swartz, resident at 1706 Letchworth Drive, expressed gratitude to members of the Public Safety Department for their diligence and efforts to control traffic on the first day of school.

Ms. Michelle Musser, resident at Morningside Drive, asked for an update on a prior noise complaint regarding the train yard loading and unloading at the nearby feed mill. Township Manager Vernau reported that a letter had been sent to the General Manager but there had been no response. He also noted that Lower Allen Township has no jurisdiction over the location as it is in Camp Hill Borough.

Ms. Diane Good, resident on 29th Street also addressed the train noise issue and asked about the noise ordinance. Mr. Vernau explained the Township ordinance does not regulate noise generated by commercial cargo. Ms. Good suggested reaching out to Camp Hill Borough to request cooperation in addressing it. Mr. Vernau noted he would contact the Borough Manager.

PUBLIC WORKS

2023 BMP Basin Retrofit Bid Opening

Director Davis introduced the item for discussion and possible action. Staff requested approval for staff to open the 2023 BMP Basin Retrofit Bids at a publicly advertised meeting on September 8th, 2023. She explained that such approval would provide additional time for expediting the process, awarding the bid at the September 11 meeting, and starting construction sooner. The public meeting to open the bids would be held on September 8, 2023 at 11 AM in Room A.

Commissioner **NAGY** moved for the approval, seconded by Commissioner **BROWN**. The motion passed 5-0.

COMMUNITY AND ECONOMIC DEVELOPMENT

Tommy Car Wash Subdivision and Land Development Plan

Director Trone introduced the item for discussion and possible action, explaining the subdivision and land development plan calls for the redevelopment of three properties to become an automated carwash. The carwash will be located at the corner of Gettysburg Road and Hartzdale Drive. The carwash will be primarily automated requiring minimal personnel. There will be two lines for pull-up customers and a third line for members. Payment kiosks are located between lanes. Vehicles may enter the vacuum area prior to or following entering the carwash tunnel.

Mr. Josh Weidler with BL Companies, who is the project engineer, described access points to the site. The access off Gettysburg Road is right-in only. There are two access points from Hartzdale Drive. The first access point (the northern access) is right-in/right-out only. There is a small median located on Hartzdale Drive at that that prevents left turn movements. The southern access point on Hartzdale Drive allows for full movements.

Based on the prior conditioned approval, the developer coordinated with the adjacent property owner to obtain access to the site through a shared drive. The driveway extends north into the Tommy Carwash Development. The resubmitted design reflects about a year and half of work to obtain an approved Traffic Impact Study (TIS) to obtain a Highway Occupancy Permit (HOP). Mr. Weidler acknowledged that while the Township preference would be one southern entrance on Hartzdale, the adjacent property owner was less comfortable with the shared drive becoming the sole access from Hartzdale, and the applicant was concerned about not having enough access on the site. The applicant also acknowledged concerns about the small intersection on the site created by having two access points from Hartzdale. The applicant has since added stop signs at those points making the situation safer. Another concern expressed by the Planning Commission was the sharp angle of the turn when entering the site from the northern Hartzdale entrance into the carwash lane. The concern is the angle will cause potential back-up onto Hartzdale. The applicant has agreed to provide a turn lane on Hartzdale Drive to provide for safer queuing if that situation should occur.

Mr. Craig Mellott, with TPD, reviewed the transportation impact study, which was updated to account for the design changes. He noted the process was moving into the design implementation phase to improve access to Gettysburg Rd.

Commissioner Comments

At the request of Commissioner Caron, the applicant demonstrated typical traffic flow, using the drawings provided. President Villone expressed concern and requested that additional pavement markings and/or supplemental signs be added to the design to better direct the flow of traffic. The applicant also stated that the approval for the proposed intersection was not subject to review by PennDot, but only by the Township, since Hartzdale Drive is not a state road.

Vice President Black asked the applicant to explain what appeared on the drawings to be a stubbed off area. The applicant noted it was for potential, although unlikely development of the southern portion of the property.

Vice President Black stated he did not support the proposed intersection closest to Gettysburg Road, and strongly urged consideration to move it to the southern-most access point, moving it as far away from the main intersection as possible. Mr. Mellott reiterated that the property owner was unwilling to sign a shared access agreement for that site. He acknowledged that the internal traffic circulation would be tight but also noted his opinion that it would reduce stacking issues.

Responding to President Villone's request for additional details regarding the agreement between the applicant and the adjacent property owner, Mr. Tanner Brandt with Christianson Companies, the Project Manager for the plan, explained the agreement includes access and parking easements so that circulation can occur throughout the properties and exchanges some parking spaces.

Vice President Black stressed the responsibility of the Board of Commissioners to keep the public safe and expressed his concern about the safety issues related to the proposed intersection.

Township Engineer, Mr. Michael Knouse, PE, described the traffic flow and noted concern where there is flow in and out from Hartzdale Drive associated with potential stacking and entanglement.

Commissioner Nagy and President Villone stated the importance of the Township applying the same level of scrutiny to evaluating the intersection as PennDot would.

Mr. Knouse confirmed that the original plan submitted by the applicant and approved by the Township did not include the intersection in question. He also noted several comments related to circulation in the zoning ordinance.

Commissioner Nagy observed that the Board of Commissioners has previously deferred responsibility for approval to PennDOT for traffic review. In this instance, there is a proposed intersection that is a safety concern. He noted that the Board has a responsibility and an opportunity to exercise control within their power to ensure its safety. He asked the Township Solicitor to weigh in.

Mr. Miner noted that the Board of Commissioners must determine whether the applicant has met the ordinance and has appropriately responded to and met the conditions imposed. There are questions remaining regarding the function of the proposed intersection.

President Villone acknowledged the factor of right of use laws and noted concerns about public safety. Commissioners must decide whether the proposal will be safe and if it aligns with future development plans. He requested input from public safety partners about the impact it might have on their services. He also asked staff to provide feedback on what assurances would be in place to address the safety concerns.

Staff noted agreement with the traffic impact study but acknowledged it dealt more with the flow on Gettysburg Road and not the internal circulation throughout the site.

Public Comment

Mr. Swartz prefaced his comment by stating that he was appearing in a personal capacity and not offering legal advice to the Township. He thanked the Board of Commissioners and staff for their diligence in reviewing the plans, making available the traffic impact assessment, and taking their time to ensure safety. He acknowledged several positive aspects of the proposed plan including sidewalks along Gettysburg Road and a wider curve radius along Gettysburg Road, both of which offer safer navigation of the intersection for both pedestrians and drivers.

With respect to the traffic impact assessment, Mr. Swartz highlighted in particular – Appendix H (pedestrian/bike checklist) where PennDOT asks the applicant whether the community is considering traffic calming along the corridor. He pointed out that the applicant states not “along the segment” but on another page responds with “no”. He referred to page 20 of Gettysburg Road Corridor Master Plan where there is an illustration with a heading that states consistent frontage and traffic calming. The overarching theme of the plan is to change the character of the roadway and allow for different types of development which emphasizes pedestrian and bicycle transportation, instead of its current character, which is more of a transit corridor. He suggested that the applicant's submission to PennDOT be corrected and suggest that the Board add a condition for approval, for the applicant to update appendix H to be consistent with the comprehensive plan since it indicates that the Township is planning to use traffic calming along the Gettysburg Road Corridor.

Next, Mr. Swartz noted that on page 1 of the TIA executive summary, the applicant indicates the report was prepared in accordance with PennDOT Publication 282 and the Township Comprehensive Plan. However, on page 2 of the document, the applicant characterizes Gettysburg Road as having a land use context of big box stores, gas stations, etc. He noted that while that is what exists today, it is inconsistent with what is planned for the near future and is land use planning information that PennDOT wants to be aware of when making assessments. Mr. Swartz recommended the Board include a condition to have the applicant revisit with PennDOT to ensure the correct designation is applied to Gettysburg Road. This change may affect the tables used in making comparisons and calculations for relevant assessments.

Solicitor Miner noted his appreciation for the comments, that the Comprehensive Plan relates to the future but is not currently in use today and is unsure about conditional approval based on the plan.

Township resident David Good thanked the Board of Commissioner for taking the safety of the matter so seriously. He pointed out that the proposed carwash was directly across the street from a residential area and noted the misalignment with the Comprehensive Plan. He also expressed safety concerns related to traffic, particularly on top of the existing traffic problems at the Hartzdale Drive and Gettysburg Road intersection, as well as the traffic issues surrounding the Walmart, Capital City Mall, and several strip malls. Additionally, he expressed concerns about the newly proposed intersection and the high use area, especially during holiday traffic. He emphasized that drivers often do not read and follow signs and they cannot be entirely relied upon to control the traffic.

President Villone thanked residents for their public comments, noting he shared many of the same concerns. He also stated the Board's consideration of the Comprehensive Plan. He noted that they did not have the authority to pick business types for approval but can rely on the impact a business will have on the community. The original plan was approved contingent on approval by PennDOT. The Board of Commissioners specifically asked PennDOT to scrutinize the traffic concerns. The information presented seems to indicate that much of the external traffic flow concern has been mitigated but what now exists is concern about internal circulation issues. The Board must consider facts related to traffic capacity.

The Township is required to act on the plan no later than September 11, 2023. If no action is taken, the plan automatically approves. The decision before the Board is to approve, deny or table the plan and ask staff to work with the applicant further on the details.

Commissioner Brown asked for additional information to be provided on specific traffic controls for the newly proposed intersection.

President Villone requested Public Safety personnel contact other municipalities with new carwashes to seek feedback regarding their impact to public safety services.

Commissioner Brown and Commissioner Caron noted a desire to have solutions to the safety concerns expressed included in the plan. Commissioner Caron noted uncertainty with how to determine the threshold for compliance with existing ordinances.

Mr. Miner advised that staff has provided information stating that the site is not ideal but acknowledged that the applicant has taken steps to address concerns to meet the ordinance. The Planning Commission approved it in July with comments and the addition of the turning lane.

Vice President Black asked about liability to the Board if the plan is denied. Mr. Miner noted that while there is no personal liability, the decision could be challenged.

President Villone thanked the applicant for adjusting the plan and asked that if the plan is tabled, that they work in good faith with Township staff and engineer to further mitigate concerns. He also suggested the Board act on the uncontroversial waivers to minimize the load of agenda items for a future meeting.

Commissioner **BROWN** made a motion to approve waiver from Section 192-30.A, Submission of a Preliminary Plan. There was no second. President **VILLONE** stated the waivers will be skipped and taken up at the next meeting.

Commissioner **BROWN** moved to table the plan and ask the applicant to determine if there are other control devices that could be added. The motion was seconded by Commissioner **NAGY**.

Commissioner **NAGY** recommended establishing goals for staff, the traffic engineer, and the applicant, to reengineer the questionable intersection. Commissioner Brown specified that widening the intersection, addition of a raised control device, a 3-way stop sign, and a "don't block the box" traffic control, and pavement markings to be added to the plan. President Villone asked Director Holl to contact other local municipalities for feedback on public safety impacts.

Vice President **BLACK** reiterated that the proposed intersection was in the wrong site.

Hearing no further discussion, the motion to table the plan passed 4-1, with Vice-President **BLACK** opposed..

PUBLIC SAFETY

Pre-Order of Police Department Replacement Vehicles

Director Holl introduced the item for discussion and possible action, requesting approval to pre-order three police replacement vehicles in line with the anticipated 2024 budget and the provision to withdrawal the order without penalty. He

noted the difficulties and delays with vehicle delivery. This proposes to place the order which includes a withdraw order without penalty if the funds are not budgeted for them in 2024.

Commissioner **NAGY** moved to approve the pre-order. Commissioner **CARON** seconded. The motion passed 5-0.

MANAGER

West Shore Recreation Commission 2024 Budget

Mr. Vernau introduced the item for discussion and possible action, to approve the West Shore Recreation Commission's 2024 Budget and the increase to Lower Allen's per capita rate by ten cents to \$3.10. He noted the annual contribution would increase by \$1,709.70 to a total of \$53,000.70.

Vice President **BLACK** offered the motion to approve the budget and the per capita rate increase. He noted the services offered by the West Shore Recreation Commission were well worth the increase and a fair amount.

Commissioner **CARON** seconded the motion. President **VILLONE** echoed the sentiments expressed, noting the organization is invaluable in the programs provided for community residents. The motion passed 5-0.

Budget Meeting Dates

Mr. Vernau noted that the proposed budget meeting dates had been advertised and are as follows: October 2, 16 and 30. Board members expressed consensus for the advertised dates.

COMMISSIONERS REPORTS

Director Trone announced that a plan for Kindt Properties had been submitted with conditional approval granted.

Director Davis reported that the Lower Allen Township Public Works Department had been selected as a recipient of an innovation award through the 2023 Water Environment Federation's National Municipal Stormwater and Green Infrastructure Awards Program for MS4 Communities. Only two municipalities received these awards and Lower Allen Township is the first municipality in Pennsylvania to receive it. She noted that she will travel to Chicago in October to participate in the awards presentation.

Commissioner Nagy expressed congratulations to Director Trone on the success of the summer internship program and suggested providing each intern an official thank you note from the Township for their records.

Commissioner Brown complimented Director Trone on her earlier presentation during the floodplain hearing and congratulated Director Davis on the recent award. He also announced a free youth heart health assessment sponsored by the Peyton Walker Foundation being held on October 7.

Commissioner Caron described her recent ride along with the Township EMS personnel, noting it was an educational and enjoyable experience. She complimented the EMS staff on their great bedside manner and observed the high degree of respect given to them by hospital staff. She also noted attendance at the recent CapCOG meeting. She wished families in the Township a safe and enjoyable school year and announced that the scheduled date for Trick or Treat is October 26th.

Vice President Black expressed pride and gratitude for the excellent quality of employees in the Township and highlighted recent efforts by Directors Trone and Davis and Captains Crone and Deaven. He reiterated his serious concern about the Tommy Carwash plan discussed earlier, noting he did not feel it was the right use for the location, detrimental to the area, and cited public safety and traffic concerns.

President Villone offered congratulations to Director Davis on the receipt of the environmental award. He also recognized Director Trone's efforts in guiding the discussions on the floodplain and the proposed carwash plan. He noted that Commissioners had to consider the information provided to them by the professionals and that he appreciates the various opinions and shares their concerns. He expressed a desire to ensure the plan is well vetted and that the best decision is made using the information available. Next, he recognized in the audience former Commissioner Richard Schin and thanked him for his attendance. He expressed gratitude to Public Safety personnel for their ongoing service to the community and to Captain Wirth for his efforts related to volunteer recruitment for the fire companies. Finally, he thanked the staff for their participation and preparation.

ADJOURNMENT

The meeting was adjourned at 8:46 PM.