

## MINUTES

### BOARD OF COMMISSIONERS

### LOWER ALLEN TOWNSHIP

### REGULAR MEETING

August 12, 2024

The following were in ATTENDANCE:

### BOARD OF COMMISSIONERS

### TOWNSHIP PERSONNEL

Dean W. Villone, President

Thomas Vernau, Township Manager

Jennifer Caron, Vice President

Rebecca Davis, Assistant Township Manager

Joshua Nagy

Steven Miner, Township Solicitor

Charles Brown

David Holl, Public Safety Director

Joseph Swartz

Alycia Knoll, Finance Director

Isaac Sweeney, PE, CED Director

James Bennett, Township Planner

Nate Sterling, Administrative Secretary

Renee' Greenawalt, Recording Secretary

President Villone called the August 12, 2024, 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.

President Villone announced that the Board had met prior to the meeting in Executive Session at 5 PM to discuss personnel.

### MEETING MINUTES:

President Villone requested a motion to approve the minutes of the July 22, 2024, Regular Meeting.

Commissioner **BROWN** motioned to approve the minutes. Vice President **CARON** seconded. The motion passed 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 wish to comment on, to please indicate as such. The following residents indicated intent to speak on Item 9A – Arcona Phase 8.3 Plan: Jeff Logan, Pam Harding, Joseph Battista, Lauren Shartle, Susan Hager, and Mark Faber.

### 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 was none.

Items on the Consent Agenda:

a. Check Register of July 29, 2024, in the amount of \$757,307.81.

b. Check Register of August 09, 2024, in the amount of \$422,062.45.

c. Payment of three (3) invoices to Pennsy Supply for materials for the 2024 Paving and Infrastructure Project totaling \$86,462.64.

d. Payment of Estimate No. 2 to Kinsley Construction, LLC for labor for the Weis/UMHC Basin Retrofit Project in the amount of \$365,482.84.

e. Payment of Estimate No. 2 to Kinsley Construction, LLC for labor for the BJ's Wholesale Club Basin Retrofit Project in the amount of \$50,472.70.

f. Payment of Estimate No. 1 to Kinsley Construction, LLC for labor for the Bethany Village Basin Retrofit Project in the amount of \$193,755.45.

Vice President **CARON** moved to approve the items on the Consent Agenda. Commissioner **BROWN** seconded. With no further discussion the consent agenda was approved by a vote of 5-0.

#### **PRESIDENT**

President Villone requested a motion to approve a manual Check Register of July 29, 2024, to Eckert, Seamans, Cherin & Mellott in the amount of \$2,900.00.

Commissioner **BROWN** offered the motion. Commissioner **SWARTZ** seconded. The motion passed 4-0 with one abstention by Vice President Caron.

President Villone requested a motion to adopt **RESOLUTION 2024-R-31**, appointing Thomas Rigling as Chief of Fire and Rescue Services in the Public Safety Department.

Commissioner **NAGY** made the motion, with honor. Commissioner **BROWN** seconded and complimented Director Holl for his leadership in the process, selecting from an excellent pool of candidates. President Villone noted the endeavor was an innovative, cost-effective model for fire services. The motion was approved 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. There was none.

#### **PUBLIC SAFETY**

##### **Training and Volunteer Coordinator in the Public Safety Department**

Director Holl introduced the item for discussion and possible action, requesting approval for staff to advertise for a full-time Training and Volunteer Coordinator in the Public Safety Department to replace Tom Rigling. He noted that Mr. Rigling would serve in a dual role temporarily to handle the responsibilities of this position.

Commissioner **NAGY** made a motion to approve advertising for the position, seconded by Commissioner **SWARTZ**. The motion passed 5-0.

#### **COMMUNITY AND ECONOMIC DEVELOPMENT**

##### **SLD 2024-04 Preliminary/Final Subdivision & Land Development Plan for Arcona Neighborhood 8.3 and Revised Subdivision & Land Development Plan for Arcona Neighborhood 8.2**

Director Sweeney introduced the item for discussion, noting that the plan and related waivers had been recommended for conditional approval by the Planning Commission.

Ms. Laura Curran, representing Charter Homes, provided a summary of the plan and addressed outstanding issues identified in the comment letter from the Township Engineer, Michael Knouse. She indicated that the applicant is working through those comments and would return in late August to seek approval of the plan.

Mr. Knouse referenced his review letter dated July 12, 2024, and addressed the waivers being requested by the applicant. He explained that several of the waivers relate to Rossmoyne Road being a state road and therefore state requirements supersede those of the Township, and that staff are supportive of the PennDOT standards. The roads internal to the development will remain private. The curbing waiver supports the use of Belgian Block, which is consistent with the plan design and nature of the development. Maintenance of the curbing is the responsibility of the Home Owners Association. Finally, the request for a waiver of the minimum center line radius intends to promote slower speed and is a design aesthetic. Mr. Knouse reported that the applicant had demonstrated acceptable compliance with fire apparatus access. For this plan submission, the following waivers are being requested from the Subdivision and Land Development Ordinance:

A. Section 192-24.C – Submission of a Preliminary Plan.

The applicant has requested a waiver of the requirement to submit a preliminary plan.

B. Section 192-57.B.2.h.2 and 197-57.C.13.c.1 – Right of Way and Cartway.

The applicant has requested a modification of the requirement to provide additional right-of-way and cartway along the frontage of Rossmoyne Road.

C. Section 192-57.C.1 – Right-of-Way Width.

The applicant has requested a modification of the requirement that the street right-of-way width be 50 feet.

D. Section 192-57.C.8 – Curbs.

The applicant has requested a modification of the requirement to provide curb along the frontage of Rossmoyne Road.

E. Section 192-57.C.9 – Sidewalk.

The applicant has requested a modification of the requirement to provide sidewalk along the frontage of Rossmoyne Road.

F. Section 192-63.A.3 – Curbing.

The applicant has requested a modification of the requirement that curbing meet the requirements of PennDOT Publication 408.

G. Section 192-68.B.3 – Minimum Center Line Radius.

The applicant has requested a modification of the requirement that the minimum center-line radius be 165 feet.

## **Public Comments**

Mr. Jeff Logan, resident of 3212 Emerson Way expressed his fondness for the neighborhood and noted his role as President of the HOA. He shared the concerns of his fellow residents about both existing conditions and the proposed plan. He noted that while the proposed plan complies with Township requirements, the reality on the ground is that the existing and proposed density is problematic for a variety of reasons, primarily related to insufficient parking, emergency vehicle access, delivery vehicles, and snow removal. He asked the Board to thoughtfully consider these issues related to space and parking.

Ms. Pam Harding, Arcona resident, expressed concerns about narrow streets and insufficient parking.

Mr. Joseph Battista, resident of 1313 Carnegie Way, first expressed gratitude to the Township leadership and staff for their efforts in addressing recent flooding. He also asked the Board to consider a moratorium on any variances impacting new development. He noted specifically his concerns about the narrow streets preventing access issues for emergency and delivery vehicles, and related safety concerns. He also addressed concerns over insufficient parking within the development and asked for the completion of street paving prior to further development.

Ms. Lauren Shartle, resident of 3110 Wayland Road, identified herself as a member of the HOA Board. She addressed several concerns including that garages are too small to house two vehicles, which exacerbates the insufficient and illegal activity related to street parking. She spoke about the impact of needing the HOA to exercise parking enforcement activity. She noted that there are parking lines which need to be painted on the roads and mentioned the need to finish paving. She concluded her comments by asking the applicant to consider additional exits.

Ms. Susan Hager, resident at 3113 Grove Court, noted concerns about parking, paving, and the need for an additional exit.

Mr. Mark Faber, resident at 1334 Sharps Drive, shared concerns about safety risks at intersections, excessive and insufficient street parking. He urged the applicant to address issues prior to starting any further development.

## **Board Comments**

President Villone asked whether Charter Homes provides full disclosure to potential buyers about what mixed use residence means. In response Mr. Anthony Faranda-Dietrich, from Charter Homes said that homebuyers are provided a pack of documents from the neighborhood association which discloses the HOA rules for parking expectations and limited street parking, and that during the sales process, Charter Homes employees do their best to explain the environment and what to expect with respect to the T&D design, and compact nature of the development.

Mr. Faranda-Dietrich expressed appreciation for all the concerns voiced by residents and agreed that there are issues to be evaluated, and will ensure that they are addressed where possible and appropriate. He reviewed how accommodations have been made over the years in response to cooperation with both Public Safety and with residents. He also highlighted the additional overflow parking lot and said that a similar solution would be considered for the next phases. Addressing paving, he indicated that paving would be completed as each section is finished and that Charter Homes would meet with residents to address needed repairs to streets and alleys. He committed to providing a corrective action plan to ensure adequate parking and ample access for emergency vehicles.

Further addressing parking, Mr. Faranda-Dietrich said that in an active construction site, before lines get painted, and before active parking enforcement, people park “illegally” or where they should not. The on-street spaces that do exist were not considered to be used for residents having a 3rd or 4th vehicle. They are meant for visitors. He committed to marking those spaces with line painting so people understand where they can and cannot park. He also noted that residents would be notified of the rules and the potential consequences.

Commissioner Swartz reported that despite their recommendation for approval of the plan, the Planning Commission expressed similar concerns regarding parking and emergency access.

Commissioner Brown asked for clarification on the paving plan in the development under construction. Mr. Faranda-Dietrich noted that roads are finished to sub grade and base wearing course. The top layers for a phase are not added until construction in the area is completed. Commissioner Brown encouraged adding crosswalks where needed and urged re-visiting the possibility of an additional exit to Rossmoyne Road in consideration of safety concerns.

Commissioner Nagy noted that too few parking spaces and the small garages are a disservice to residents, noting that housing must be livable and usable. He expressed frustration that plans are continually submitted that give rise to the same problems and concerns that have been discussed in prior phases. He encouraged fellow members of the Board to make things right for residents in considering future phases.

Commissioner Swartz said the situation was untenable under the circumstances and asked that Charter Homes reassess and look for other areas for off-street parking. He noted it was especially important given that the neighborhood does not currently offer access to public transportation or connectivity to bike or walk to areas outside of the development.

President Villone observed that over the years, Charter Homes has worked with the Township and residents, and expressed confidence that they would work now to find solutions. He noted the reoccurring theme of public safety, and that it was the responsibility of the Township to serve all neighborhoods. He suggested considering the use of fire lanes.

President Villone thanked everyone for the discussion.

### **30-day extension for SLD #2024-04**

Mr. Sweeney presented for discussion and possible action, acceptance of a 30-day extension for SLD #2024-04 Preliminary/Final Subdivision & Land Development Plan Arcona Neighborhood 8.3 and Revised Subdivision & Land Development Plan Arcona Neighborhood 8.2.

Vice President **CARON** offered the motion, seconded by Commissioner **SWARTZ**. The motion passed 5-0.

### **90-day extension for SLD #2023-02**

Mr. Sweeney presented for discussion and possible action, acceptance of a 90-day extension for SLD #2023-02 Final Subdivision and Land Development Plan for Cedar Run Business Park. He noted that the extension was due to a delay in the acquisition of permits.

Commissioner **NAGY** motioned to accept the extension. The motion was seconded by Vice President **CARON** and passed 5-0.

### **90-day extension for SLD #2024-02**

Mr. Sweeney presented for discussion and possible action, acceptance of a 90-day extension for SLD #2024-02 Preliminary/Final Subdivision and Land Development Plan for Kindt Properties – 1013 Saint Johns Road. Mr. Sweeney noted that the applicant was pursuing variance before Zoning Hearing Board.

Commissioner **BROWN** made the motion to accept the extension, seconded by Commissioner **SWARTZ**. The motion passed 5-0.

## **FINANCE DIRECTOR**

### **New Position – Billing Specialist in the Finance Department**

Director Knoll introduced the item for discussion and possible action, to consider approving the job description for the position of Billing Specialist in the Finance Department. She explained that the new position was due to a retirement in a budgeted position and was being reworked to meet the needs of the Department. The new position will be responsible for utility billing, accounts payable items, processing checks for approved invoices, and serving as a payroll backup.

Commissioner **BROWN** motioned to approve, seconded by Vice President **CARON**. The motion passed 5-0.

### **Advertising Billing Specialist Position**

Director Knoll introduced the item for discussion and possible action, to request approval for advertising the new full-time position of Billing Specialist in the Finance Department. She noted that internal and external advertisement would occur simultaneously.

Commissioner **BROWN** motioned to approve, seconded by Vice President **CARON**. The motion passed 5-0.

## **MANAGER**

### **Appointment of Legislative Liaison**

Mr. Vernau introduced the item, referencing a communication from the PA Municipal League, offering the opportunity to appoint a liaison to the PSATC. Following a brief discussion, President Villone appointed Commissioner Brown as the liaison and directed Mr. Vernau to execute the designation form.

### **Worker's Compensation History**

Mr. Vernau provided a brief report on the five-year history of workers' compensation claims with their carrier, Keystone Municipal Insurance Trust. He noted that the performance goals had been met and exceeded.

### **COMMISSIONERS REPORTS**

President Villone noted that the Board would adjourn to Executive Session following Commissioner's Reports to discuss a lawsuit settlement and the hiring of a Manager. He said there would be no action to report.

Director Holl expressed support to the Board in marking the milestone of hiring the Chief of Fire Services. He also expressed sympathy and prayers to the family impacted by the tragic event on the Yellow Breeches over the weekend.

Director Davis expressed gratitude to all disciplines of public safety for their efforts in assisting during the recent storms.

Commissioner Nagy congratulated members of the Lisburn Fire Company on the success of the festival, despite the weather. He praised the many volunteers and many hours of effort for both the on site events and the advanced planning. He asked the Board to consider presentation of a commendation to Lisburn Fire Company for their efforts. He also thanked the staff of Public Safety and Public Works in operating the Emergency Operation Center, for their efforts during the storm. He also expressed gratitude to Director Holl for his role in hiring Chief Rigling. He noted appreciation to the residents of Arcona for voicing their concerns.

Commissioner Brown congratulated Director Holl and Chief Rigling. He issued a reminder about the new Junior Commissioner Program and encouraged the passing of information about the program to high school students. He thanked everyone who was involved in the response to the tragedy on the creek and shared his prayers for the family.

Commissioner Swartz expressed appreciation for the volunteer efforts at the Lisburn Festival, and for the efforts of Public Safety and Public Works staff during the flooding situations. He thanked Township staff for their interfacing with residents in response to the PA American Water issue, which aided in quick notification to residents. He also thanked residents of Arcona for working constructively with the Board and Charter Homes.

President Villone noted the positive decision to postpone the Lisburn Festival activities planned for Friday until Sunday. He shared kudos to the volunteers for all their preparations. For the benefit of residents, he reported that the funds raised during the festival are raised to help subsidize the costs of running the fire company and supporting the Public Safety response. He echoed the sentiments of others about response during the storms and flooding and expressed comfort to the family of the kayaker. Finally, he expressed gratitude for the work done by Commissioners, staff and Director Holl in the hiring of Chief Rigling. Concluding his remarks, he asked Mr. Vernau for a progress update on the new website. Mr. Vernau reported that site mapping was underway, and his expectation was to have a new site operational by the end of the year.

Vice President Caron echoed the sentiments expressed by all other commissioners and noted looking forward to back-to-school activities.

### **EXECUTIVE SESSION and ADJOURNMENT**

At 8:21 PM, the Board of Commissioners adjourned to Executive Session to discuss a lawsuit settlement and the hiring of a Manager.