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LOWER ALLEN TOWNSHIP
ZONING HEARING BOARD

- - - - -

IN RE: 1. Review Request for
Proposals and Appoint Zoning
Hearing Board Solicitor

- - - - -

Stenographic record of hearing held
at the Lower Allen Township Administrative
Building, 2233 Gettysburg Road, Camp Hill,
Pennsylvania.

Thursday
May 16, 2024
7:00 p.m.

- - - - -

MEMBERS:

Ann Moran, Chairperson
Richard Bonneville

Marcus Brandt, Zoning & Codes Administrator

LEARY REPORTING
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Mechanicsburg, PA 17055
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PROCEEDINGS

CHAIRPERSON MORAN: I am going to call the meeting of the Lower Allen Township Zoning Hearing Board to order.

Since there is no one here from the public, there is obviously no public comment. So it is just Dick and I relative to reviewing the request for proposals and to appoint the solicitor.

MR. BONNEVILLE: I am a little confused. In the RFP Section 4, the bottom of the first page, it says, "The Township Zoning Hearing Board's solicitor shall be appointed by a majority vote of the Lower Allen Township Zoning Hearing Board hereinafter referred to as The Hearing Board."

But then when you go back further in the RFP, it leaves you under the impression that we are only making a recommendation to the Board of Commissioners.

MR. BRANDT: From what I understand, you have to make the recommendation. You vote and make the recommendation. The

1 Board of Commissioners has to finalize
2 it; because they actually pay the -- the
3 Township pays the solicitor.

4 MR. BONNEVILLE: That makes sense to
5 me, but that is not what this says.

6 CHAIRPERSON MORAN: No.

7 MR. BRANDT: I know. I am trying to
8 look up the Zoning Hearing Board
9 information now.

10 MR. BONNEVILLE: While Marcus is
11 researching that, we can discuss these
12 two applications.

13 MR. BRANDT: It says that you guys
14 appoint them; but it sounds like -- that
15 the solicitor may be -- is considered an
16 at-will employee of the Township and may
17 be terminated by the Township Board of
18 Commissioners.

19 I see where the compensation would
20 be determined by the Township and the
21 compensation for the Zoning Heard Board
22 solicitor shall be approved by majority
23 by the Commissioners. That is C.

24 So it sounds like you appoint the
25 individual. That is what it sounds like.

1 That is what I am seeing. You appoint
2 whoever you decide to go with. You
3 appoint them. And then the Commissioners
4 have final say on what pay they are going
5 to get.

6 CHAIRPERSON MORAN: There is a
7 problem; because it specifically says the
8 Zoning Hearing Board has the exclusive to
9 appoint its own solicitor. So that is
10 saying to me that it doesn't need
11 approval.

12 MR. BRANDT: I don't think it is
13 saying the Township would approve
14 anything other than the compensation; and
15 the Board of Commissioners would have the
16 right to negotiate the contract with
17 them.

18 And because of the at-will policy,
19 that we have, if at any time, for any
20 reason, the Board of Commissioners could
21 elect to fire him.

22 CHAIRPERSON MORAN: Okay.

23 MR. BRANDT: That is how I am
24 reading it. I am not a lawyer; but I
25 mean, if you look at B and C, it

1 basically states -- it is the at-will
2 statement that they can fire you or
3 relieve you of your duty at any point for
4 any reason. And then it talks about
5 compensation in C.

6 CHAIRPERSON MORAN: Can I also ask
7 what precipitated their revised fee
8 schedule?

9 MR. BRANDT: I'm sorry?

10 CHAIRPERSON MORAN: What
11 precipitated their revised fee schedule?

12 MR. BRANDT: I am going to assume it
13 is the budget; because they have to
14 budget that each year.

15 CHAIRPERSON MORAN: But we are
16 talking about --

17 MR. BRANDT: Oh, you mean by the
18 lawyers themselves?

19 CHAIRPERSON MORAN: Yes.

20 MR. BRANDT: I can't answer that.

21 CHAIRPERSON MORAN: Was there any
22 discussion with them?

23 MR. BRANDT: I personally did not.
24 Jim Vincent and Isaac Sweeney did.

25 CHAIRPERSON MORAN: Who are they?

1 MR. BRANDT: Isaac Sweeney is our
2 new Community Development Director; and
3 Jim Benson is the head of our -- the
4 supervisor of our department in planning.

5 CHAIRPERSON MORAN: Can you tell us
6 what we currently pay?

7 MR. BRANDT: I don't have that
8 information. Let me see if I do, but I
9 don't believe.

10 Actually I can't tell you for sure.
11 I believe it is around \$95 an hour, but I
12 am not 100 percent positive on that.

13 CHAIRPERSON MORAN: I personally am
14 concerned with the fee schedule, plus the
15 fact that it goes up \$30 in 2025 and \$35
16 in 2026. It takes it to almost -- very
17 close to \$200 an hour. I think with what
18 we have been paying, it is out of line.

19 MR. BONNEVILLE: Actually for an
20 attorney today, I don't think that is
21 wrong.

22 CHAIRPERSON MORAN: Dennis was -- I
23 would think for this type of work that
24 \$110 an hour is more in line with --
25 would be more in line.

1 MR. BONNEVILLE: Let's go here
2 first.

3 CHAIRPERSON MORAN: Okay.

4 MR. BONNEVILLE: I am in favor of
5 the Dethlefs Pykosh proposal over the
6 Kuzman Law Group only because the Kuzman
7 Law Group is not a law group. It is a
8 single person. And he is also a member
9 of the House of Representatives. He is a
10 western Pennsylvania transplant. And he
11 offers no alternative to himself when he
12 would not be able to make it.

13 As we all know, during the House's
14 negotiations in budget time, he will be
15 needed on The Hill night and day. With
16 that in mind -- well, Attorney Steve
17 Miner's recommendation and his thoughts
18 on it were the same as the questions that
19 I would have.

20 And if you look at the rate for the
21 Kuzman Law Group, it is \$110 per hour.
22 So it would be my suggestion that if you
23 agree that we appoint Dethlefs Pykosh Law
24 Group and send it to the Commissioners
25 with our recommendation and allow them to

1 negotiate the fee schedule.

2 CHAIRPERSON MORAN: I agree. I
3 think we had discussed at our last
4 meeting, and not in public but in
5 private, that we had issues with the
6 Kuzman Law Group for the very reasons
7 that you have just stated.

8 I am looking here. Does he have --
9 does Pykosh have an alternative?

10 MR. BONNEVILLE: Yes. He offers an
11 alternative in the form of Michael
12 O'Connor.

13 CHAIRPERSON MORAN: Michael
14 O'Connor.

15 MR. BONNEVILLE: That sounds right.
16 I am sure Andrew Kuzman is well qualified
17 for the job. I just think that the
18 Dethlefs Pykosh Law Group is a better fit
19 for Lower Allen Township.

20 CHAIRPERSON MORAN: As I said, I
21 agree with everything you said. I agree
22 with Attorney Miner's comments, as well
23 as the Community and Economic Development
24 comments.

25 The only issue I have -- and I would

1 certainly defer that issue to the Board
2 of Commissioners.

3 But I would like it to go on record
4 that I feel that the fee schedule is
5 excessive. We have attorneys on the
6 Board of Commissioners, so they can look
7 at that. But I think a reasonable -- at
8 least starting out is \$110, around \$110.
9 So I think that the raises each year is
10 excessive that they stated.

11 So with that in mind, if you would
12 like to put it into a motion.

13 MR. BONNEVILLE: Madam Chairman,
14 with regards to the appointment of a
15 solicitor upon retirement of our present
16 solicitor, I suggest Michael J. Pykosh,
17 Esq., of Dethlefs Pykosh Law Group LLC
18 and Michael J. O'Connor, Esq., as the
19 alternative.

20 I recognize the qualifications of
21 all that have applied and I think all are
22 capable. But I feel that Michael J.
23 Pykosh is a better fit for Lower Allen
24 Township. And I make this recommendation
25 and send it to our Commissioners to

1 negotiate the terms of a contract.

2 CHAIRPERSON MORAN: I would like to
3 add to that, that there is concern with
4 the fee schedule, the revised fee
5 schedule from the original fee schedule
6 as presented. And particularly we feel
7 it is slightly excessive for 2024.

8 But that for the incremental
9 increases in 2025 and 2026 appear
10 excessive. And we certainly will leave
11 it up to the Board of Commissioners to do
12 the negotiation in the best interests of
13 the Township.

14 So we have a motion and an addition
15 to that motion. Since there is two of
16 us, I second it.

17 So I am going to call for a vote.
18 All in favor.

19 MR. BONNEVILLE: Aye.

20 CHAIRPERSON MORAN: Aye. Motion
21 carries unanimously.

22 I am going to make a motion that we
23 adjourn the meeting.

24 MR. BONNEVILLE: And I am going to
25 second that.

1 CHAIRPERSON MORAN: We stand
2 adjourned.

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4 (Hearing adjourned at 7:27 p.m.)

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CERTIFICATE

I hereby certify that the proceedings are contained fully and accurately in the notes taken by me during the hearing of the foregoing cause and that this is a correct transcript of the same.

Notary Public in and for the Commonwealth of Pennsylvania

My commission expires September 23, 2026

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