

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
FEBRUARY 1, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a special session on Tuesday, February 1, 2011 at the Penn Township Municipal Building. President Prieber called the meeting to order at 7:00 P.M., with a roll call of members. Present were Commissioners Prieber, Heilman, Goldsmith, Rewa and Felix. Also present were Manager Garvick, Township Engineer Bortner, WWTP Superintendent Mahone, and Highway Foreman Mahan.

PLEDGE OF ALLEGIANCE TO THE FLAG FOLLOWED BY A PERIOD OF SILENT MEDITATION:

All in attendance stood for the Pledge of Allegiance to the flag, which was followed by a period of silent meditation.

ANNOUNCEMENTS: None.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

PUBLIC HEARING TO CONSIDER GMR OF PENNSYLVANIA, LLC LIQUOR LICENSE TRANSFER:

Township Manager Garvick stated that the purpose of the public hearing is to consider the transfer of a Restaurant Liquor License owned by the Ruby Tuesday Restaurant in Springettsbury Township to the Olive Garden Restaurant in the Township of Penn. The hearing has been publicly advertised in the Hanover Evening Sun.

He reported that the Township received a request dated January 3, 2011 from Attorney Mark Kozar, Flaherty, & O'Hara representing GMR of PA, LLC, representing Darden Restaurants, owner of the Olive Garden Restaurant chain.

Darden Restaurants is constructing an Olive Garden Restaurant in the Gateway Hanover Shopping Center and is seeking to secure a restaurant liquor license. There are no licenses available at this time within Penn Township. Penn Township has a total of 12 liquor licenses at this time – 2 distributors, 2 clubs, 1 special occasion, and 7 restaurants.

Manager Garvick informed the Board that licenses are provided to municipalities by the Pennsylvania Liquor Control Board according to a quota system based upon population. If no licenses are currently available, then a license could be transferred from another municipality within York County. As an example, Penn's population qualifies for 4 restaurant licenses. However, there are 7 businesses in Penn with restaurant licenses. The license being requested for transfer in this case would be coming from Springettsbury Township.

Before a license can be transferred from one municipality to another, the PA Liquor Code requires that the receiving municipality seek public input by conducting a hearing and adopting a Resolution approving the transfer. This evening's hearing has been publicly advertised in the Hanover Evening Sun in accordance with the parameters of the PA liquor code.

Upon completion of the public hearing, should the Board of Commissioners decide favorably on the request, we have prepared Resolution No. 752, authorizing the transfer.

Mark Kozar, Flaherty & O'Hara, representing GMR of Pennsylvania, made the presentation on behalf of the petitioners. He briefly reviewed the PA liquor law. He reviewed the Darden Brand and the types of restaurants they own including the Olive Garden, which is where the liquor license will be transferred. He reviewed the exterior and interior features of the proposed restaurant and noted it would be 7, 441 square feet with seating for 206 and will employ 100 people. He reviewed the hours of operation. He indicated that their employees are involved in an extensive alcohol awareness-training program. He reviewed the menu and emphasized that alcohol is served as a compliment to the food, and represents only 9% of the total sales. The Olive Garden will be located at the Gateway Shopping Center. He is requesting that a resolution be passed for the transfer of the license.

There were no public officials or general public comment.

Commissioner Goldsmith/Heilman moved to adopt Resolution No. 752 approving the transfer of restaurant liquor license R-18973 into the Township of Penn from the Township of Springettsbury for use by the Olive Garden Restaurant facility to be located in Gateway Hanover. Motion carried.

OLD BUSINESS: None.

NEW BUSINESS: None.

CITIZEN'S QUESTIONS TO THE BOARD REGARDING DISCUSSION ITEMS: None.

QUESTIONS FROM PRESS: None.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Rewa/Heilman moved for adjournment at approximately 7:12 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
FEBRUARY 21, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, February 21, 2011 at the Penn Township Municipal Building. President Prieber called the meeting to order at 7:00 P.M. with a roll call of members. Present were Commissioners Prieber, Heilman, Goldsmith, Rewa and Felix. Also present were Solicitor Tilley, Manager Garvick, Police Chief Rhodes, Township Engineer Bortner and Zoning Officer Menges.

PLEDGE OF ALLEGIANCE TO THE FLAG FOLLOWED BY A PERIOD OF SILENT MEDITATION:

All in attendance stood for the Pledge of Allegiance to the flag, which was followed by a period of silent meditation.

ANNOUNCEMENTS:

President Prieber announced that following the public meeting this evening, the Board of Commissioners would convene in an executive session with the Solicitor for the purpose of discussing legal and/or personnel issues. Commissioner Felix announced a personnel session was held following the Finance meeting on February 7, 2011.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

The minutes of the January 17, 2011 and February 1, 2011 meetings of the Board of Commissioners were approved as submitted.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix:

Commissioners Felix/Goldsmith moved to approve a request dated January 16, 2011 from the Hanover Allied Veterans Council to conduct the Memorial Day parade on Monday, May 30, 2011. They further moved that all Penn Township street closings and public safety considerations be coordinated through the Penn Township Chief of Police. Motion carried.

Personnel Committee - Commissioner Heilman: Commissioner Heilman had nothing to report.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$2,036,242.44. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 753 amending the schedule of fees for permits and services. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 754 adopting written procedures for compliance with Act 44 of 2009 and the Auditor's General's recommendation. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated February 3, 2011 from the Mason Dixon Credo for a waiver of the sign permit fees to advertise a retreat at the Penn Grove Retreat Center on April 7-10. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated February 1, 2011 from the Hanover Area Chamber of Commerce for a waiver of the sign permit fee to advertise the shuttle service for the Hanover Dutch Days on July 30, 2011. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated January 3, 2011 from the Hanover Exchange Club for a waiver of the sign permit fees to advertise the Home Builder's and Garden Show being held March 9 through March 12. Motion carried.

Public Works Committee – Commissioner Goldsmith:

There were no additions or changes to the Engineer's Report.

Planning & Recreation Committee – Commissioner Felix:

Commissioners Felix/Rewa moved to approve a request dated January 27, 2011 from GHI, Inc. on behalf of the Hanover School District for a variance of the landscape and bufferyard requirements for the proposed Sheppard & Myers stadium improvements. Motion carried.

Commissioners Felix/Rewa moved to deny a request dated January 28, 2011 from Jack Powell, P.E. for a waiver of the land development requirements for an expansion of the Hickory Falls Entertainment Center. Motion carried.

Commissioners Felix/Rewa moved to approve an agreement with the York County Planning Commission authorizing them to participate on behalf of Penn Township in future U.S. Census Boundary Annexation surveys. Motion carried.

There were no additions or changes to the Zoning Officers Report.

The following subdivision and land development plans were formally filed:

- P11-01-Gateway Hanover- Revised Lot 1
- P11-02-Fulton Bank (Gateway Hanover – Lots 4 and 5)
- P11 -03-Hickory Falls Family Entertainment Center
- P11-04-Sheppard & Myers Stadium

Commissioners Felix/Rewa moved to approve the following subdivision and land development plans:

P11-01-Gateway Hanover – Revised Lot 1
Motion carried.

Commissioners Felix/Rewa moved to approve the following extension requests that will expire on May 16, 2011:

P01-28-High Point @ Rojen Farms
P03-30-Mustang Pointe
P08-14-National barn
P10-09-Wallen Tract Apartments/South West Crossing, LLC
P10-17-South Western School District Breezewood Drive Subdivision
Motion carried.

Health & Sanitation – Commissioner Rewa: Commissioner Rewa had nothing to report.

MANAGERS REPORT: There were no additions/corrections to this report.

OLD BUSINESS: None.

NEW BUSINESS: None.

CITIZEN’S QUESTIONS TO THE BOARD REGARDING DISCUSSION ITEMS: None.

QUESTIONS FROM PRESS: Questions from the press were received and answered.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Rewa/Goldsmith moved for adjournment at approximately 7:09 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary