

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
FEBRUARY 19, 2007**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, February 19, 2007 at the Penn Township Municipal Building. President Klunk called the meeting to order at 7:00 P.M., with a roll call of members. Present were Commissioners Klunk, Stauffer, Johnson, Felix and Heilman. Also present were Solicitor Tilley, Manager Garvick, Police Chief Gilbert, 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 Klunk 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.

VOLUNTEER RECOGNITION AWARD:

President Klunk presented a volunteer recognition award to Donald J. Brady. Mr. Klunk stated "the Penn Township Board of Commissioners wish to recognize an individual whose volunteer spirit is an inspiration to all. Don Brady has been a volunteer at Parkville Fire Company for over 50 years, serving as President and Chaplain, along with numerous other committee appointments and projects. Lately, he has been volunteering his time to assist the Township with such projects as the bulk-item cleanups, household hazardous waste disposal, textile, electronics, Christmas wrap recycling and any other project where the Township needed his help. In recognition of his many years of volunteer service (and hopefully many more to come) the Commissioners present Mr. Brady with this token of appreciation." Mr. Brady humbly accepted the plaque and thanked the Commissioners.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

The minutes of January 15, 2007 meeting of the Board of Commissioners were approved as presented.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Finance Committee - Commissioner Heilman

Commissioners Heilman/Johnson moved to approve Township Warrants in the

amount of \$1,205,708.60. Commissioner Klunk abstained from warrants for vendor #60. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated January 26, 2007 from the Exchange Club of Hanover for a waiver of the sign permit fee to advertise the annual Builders Home and Garden Show. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated January 3, 2007 from the Hanover Chamber of Commerce for a waiver of the sign permit fee to advertise the annual Hanover Dutch Festival. Motion carried.

Commissioners Heilman/Johnson moved to adopt Ordinance No. 654, repealing the previous firefighters pension plan documents and adopting a new document. Motion carried on a roll call vote.

Commissioners Heilman/Johnson moved to adopt Resolution No. 652, amending the sewer tapping fee to include the addition of a reimbursement component for future connections to the Homewood Interceptor. Motion carried.

Commissioners Heilman/Johnson moved to adopt Resolution No. 653, amending the Act 13 Uniform Construction Code Education and Training fee. Motion carried.

Personnel Committee - Commissioner Heilman

Commissioner Heilman congratulated Mr. Brady for his years of volunteer service to the Township.

Public Works Committee - Commissioner Johnson

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

Planning & Recreation Committee – Commissioner Johnson

There were no additions or changes to the Zoning Officer's report.

The following subdivision and land development plans were formally filed:

- P07-04 – SLW, LTD. Partnership Parking Expansion
- P07-05 – Wolverine Holdings, LLC
- P07-06 – Clyde E. & Anna Mae J. Martin
- P07-07 – 150 Brookside Avenue Final Subdivision
- P07-08 – Sheridan Press

Commissioners Johnson/Felix moved to approve the following subdivision and land development plan:

- P07-04 – SLW LTD. Partnership Parking Expansion
- Motion Carried.

Commissioners Johnson/Felix moved to approve the following extension

requests that will expire on May 21, 2007:

P01-28 – High Pointe @ Rojen Farms
P03-06 – Brookside Heights
P03-20 – Wallen Tract Apartment/South West Crossing
P03-30 – Mustang Pointe
P05-15 – Avion
P06-10 – High Pointe @ Rojen Farms - North
P06-15 – Whispering Run
P06-25 – Peter and Penny Filus
P06-26 – Martins Ridge Subdivision
Motion carried.

Commissioners Johnson/Felix moved to approve a request dated January 16, 2007 from Sharrah Design Group, Inc. for a waiver of the requirements of the Penn Township Subdivision and Land Development Ordinance Article IV with regards to contours, existing features, etc for the Wolverine Holdings, LLC and Clyde and Anna Mae Martin plans. Motion carried.

Commissioners Johnson/Felix moved to approve a request dated January 4, 2007 from Hanover Land Services, Inc. for a waiver of the Penn Township Subdivision and Land Development Ordinance, Section 507 b access drives, for the proposed Penn Township Fire Department building. Motion carried.

Commissioners Johnson/Felix moved to approve a request dated December 16, 2006 from Bon Ton Builders for a waiver of the land development requirements to add a second floor over a portion of Bentley's at the Barn. Motion carried.

Health & Sanitation – Commissioner Felix

Commissioners Felix/Stauffer moved to adopt Resolution No. 654 revising the official sewage facilities plan by including the Avion subdivision plan. Motion carried.

Commissioners Felix/Stauffer moved to adopt Ordinance No. 655, approving the plan of construction of sanitary collection sewers within and to that portion of the Township consisting of lands of Craig Albright, Devan Farms Partnership, and Homewood at Hanover, PA Inc., with designated rights-of-way. Motion carried on a roll call vote.

Commissioners Felix/Stauffer moved to ratify the decision that the Township of Penn retain Randy Hurst, Esquire as environmental counsel for the Chesapeake Bay initiatives, and issues relating to DEP permitting of the Townships wastewater treatment plant at an hourly rate of \$170.00. Motion carried.

Public Safety Committee - Commissioner Stauffer:

Commissioners Stauffer/Heilman moved to approve a request dated January 20, 2007 from Make A Wish, Convoy for Wishes, to hold a fundraising event on May 6, 2007. Motion carried.

Commissioners Stauffer/Heilman moved to approve a request dated January 15, 2007 from the Hanover Allied Veterans Council to conduct the Memorial Day parade on Monday, May 28, 2007. Motion carried.

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

OLD BUSINESS: None.

At this point the Commissioners recessed the meeting for fifteen minutes to hold an executive session with the Solicitor for the purpose of discussing a legal matter that they would like to address under new business.

At 7:25 p.m., the meeting reconvened with Solicitor Tilley stating that an executive session was held for the purpose of discussing a proposed settlement to a lawsuit, Joseph A. Myers versus Penn Township, 2001SU01318-08.

NEW BUSINESS:

Solicitor Tilley recommended that the Board consider adopting a motion to resolve the litigation with Joseph A. Myers and the issues surrounding the storm water ponds in Hall Estates and Little Knoll Estates developments with the following terms:

1. The Township will accept for dedication the three lots, 20A, 35A, Hall Estates I and 125, Little Knoll Estates.
2. Joseph Myers will dedicate and the Township will accept deeds to the access right-of-way to Lots 20A and 35A as shown on the 1989 Hall Estates I re-subdivision plan.
3. The Township will agree to pay for the installation of the access road and will clear the access. It will also do the repairs and maintenance to the storm water ponds on Lots 20A, 35A and 125.
4. The Township and Joseph Myers will agree that proceedings in the case will be stayed for 1 month, till March 19, 2007, to permit him time to prepare and submit signed and notarized deeds of dedication for the three ponds, 20A, 35A and 125, and for the rights-of-way for the access roads to Lots 20A and 35A in Hall Estates I, and for the Township to pass an ordinance accepting the deeds of dedication. This will require that Joseph Myers submit the executed and notarized deeds of dedication to the Township at least 15 days prior to the next Board of Commissioners meeting, which will be by March 4, 2007, so that the Township can review the deeds and prepare and advertise the ordinance necessary to adopt the ponds.
5. Upon acceptance of the deeds of dedication for lots 20A, 35A, and 125, and the rights-of-way for lots 20A and 35A, Joseph Myers will mark the litigation settled discontinued and ended with prejudice.
6. The parties will sign mutual releases providing as follows:

- a. Township will release Joseph Myers from any further claims for the three storm water ponds, including but not limited to maintenance, repair, construction or design of the ponds.
- b. The Township will release Joseph Myers from any obligation to construct and maintain the access easements to lots 20A and 35A.
- c. Joseph Myers will release the Township from any further obligations (except those in the settlement agreement) arising from any plans approved to date with respect to the Hall Estates I, Hall Estates II and Little Knoll Estates.

Mr. Tilley further recommended that he be authorized and directed to prepare a settlement agreement in accordance with the terms that were outlined in the proposed motion and that Jeffrey R. Garvick, Township Manager, be authorized to execute those documents necessary to complete the settlement that is contemplated.

Commissioners Felix/Johnson moved that the Board of the Commissioners approve the Solicitor's request for settlement. Motion carried.

PERSONS TO BE HEARD/CITIZENS COMMENTS:

Daniel Goldsmith, 51 Little Knoll Drive, thanked the Board of Commissioners for accepting the ponds.

QUESTIONS FROM THE PRESS FOR THE COMMISSIONERS:

There were no questions from the press.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Stauffer/Johnson moved for adjournment at approximately 7:30 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary