MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
MARCH 17, 2008

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, March 17, 2008 at the Penn Township Municipal Building. President Johnson called the meeting to order at 7:00 P.M., with a roll call of members. Present were Commissioners Johnson, Prieber, Goldsmith and Rewa. Commissioner Heilman was absent with notice. Also present were Solicitor Tilley, 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 Johnson 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.

PERSONS TO BE HEARD/CITIZENS COMMENTS:

Mike Swartz, 5167 Grandview Road, expressed concern about the closing of Grandview Road from Beck Mill Road to Baltimore Street for extended periods of time. Commissioner Johnson referred Mr. Swartz to the April 1, 2008 Public Works Committee meeting for further discussion on this issue.

Ron Bulson, 37 Arbor Lane, who purchased his home about two years ago. He is concerned about a seven and half-foot retaining wall that was built to the rear of his property that is falling over. Apparently, the wall was constructed without a building permit. He also has other problems with the way the property was constructed including the depth of the water line, which has erupted. He is claiming that the water line is only fourteen inches deep and it is required to be thirty-six inches deep. He stated that he contacted the building inspector and he could not do anything since the wall is already installed. He stated that several days prior to this incident he contacted the Township and was told that as the homeowner he would be responsible if he did work without a permit, which could include removing a structure and rebuilding it once the permit is secured. He is concerned because the builder constructed the wall without a permit and was told by the building inspector that he had the option of filing charges against the builder. Mr. Boulson wanted to know what the guidelines are for enforcing violations. He will have to incur the cost of having the wall removed and rebuilt plus the costs of permits. In addition he had to have his deck reattached to his house twice. He

will also have to have the water line rerun. The current water line penetrated the siding on his house. He wanted to know at what point the Township steps up and takes responsibility for the inspector not doing his job. He was instructed to attend the Public Works Committee meting on April 1, 2008.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

The minutes of the February 18, 2008 and March 4, 2008 meetings of the Board of Commissioners were approved as presented.

RECOGNITION OF RETIRED POLICE OFFICER – SCOTT A. LOBACH:

Mr. Johnson gave a brief synopsis of Mr. Lobach's career, which included him becoming the Township's first D.A.R.E. Officer. Commissioner Johnson presented retired Officer Lobach with a plaque that stated:

"Scott A. Lobach, February 25, 1980 – March 3, 2008, In appreciation and recognition of twenty eight years of dedicated service to the Township of Penn, York County. May you have a healthy and successful retirement. Presented by the Board of Commissioners, March 17, 2008."

ADMINISTRATION OF OATH FOR POLICE OFFICER ERIC ZUMBRUM:

District Justice Miner administered the oath of office to Police Officer Eric Zumbrum.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Prieber:

Commissioners Prieber/Rewa moved to approve a request dated February 20, 2008 from South Western School District to close Bowman Road on May 31, 2008 from 7:30 a.m. to noon in order to conduct a tri-athlon event for the district's elementary school. Motion carried.

Commissioners Prieber/Rewa moved to approve a request dated February 22, 2008 from Make A Wish, Truck Convoy for Wishes, to conduct a fundraising event on May 4, 2008. Motion carried.

Commissioners Prieber/Rewa moved to authorize the Penn Township Civil Service Board to prepare an eligibility hiring list for patrolmen. Motion carried.

Personnel Committee - Commissioner Johnson:

Commissioner Johnson had nothing to report.

Planning & Recreation Committee – Commissioner Prieber:

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

Commissioners Prieber/Goldsmith moved to approve a request dated January 31, 2008 from C.S. Davidson for a waiver of the curb and sidewalk requirements in conjunction with a land development plan for ESAB Welding. Motion carried.

The following subdivision plans were formally filed:

P08-05 – Hanover Foods Corporation
P08-06 – SWSD School Bus Depot

Commissioners Prieber/Goldsmith moved to approve the following subdivision and land development plans:

P08-03 – ESAB Welding and Cutting Products
Motion carried.

Commissioners Prieber/Goldsmith moved to approve the following extension requests that will expire on June 16, 2008:

P03-05 – Breezewood Drive Project
P03-11 – Thornbury Hunt
P07-24 – R & R Fitness Real Estate, LLC
Motion carried.

Commissioners Prieber/Goldsmith moved to approve the following extension request that will expire on May 19, 2008:

P06-20 – Proposed Rutter's Farm Store #6
Motion carried.

Finance Committee - Commissioner Prieber

Commissioners Prieber/Goldsmith moved to approve Township Warrants in the amount of $1,066,835.53. Motion carried.

Commissioners Prieber/Goldsmith moved to approve Ordinance No. 687, providing for a cost of living adjustment and a monthly service increment for each complete year of service for the Police Pension Plan. Motion carried on a 4-0 roll call vote.

Commissioners Prieber/Goldsmith moved to adopt Resolution No. 678, condemning a tract of land situate in Penn Township, York County, owned by William L. and Dana M. Heston. Motion carried.

Commissioners Prieber/Goldsmith moved to approve the Agreement of Sale for 823 York Street. Motion carried.

Commissioners Prieber/Goldsmith moved to approve the Post Settlement Occupancy Agreement for 823 York Street. Motion carried.

Commissioners Prieber/Goldsmith moved to approve an Agreement between Penn Township and the Principal Life Insurance Company regarding reimbursement of costs in conjunction with the police pension plan. Motion carried.

Commissioners Prieber/Goldsmith moved to approve a request from Nathaniel Smith for a waiver of the building permit fee to construct a circular paver pad and fire pit at St. Joseph's Church with regard to his Eagle Scout Project. Motion carried.

Commissioners Prieber/Goldsmith moved to award the 30 Spring Garden Street property bid to Bruce Jones, Spring Grove, PA for a bid price of $230,000. They further authorized the Solicitor, Manager, and Secretary to execute any settlement documents. Motion carried.

Commissioners Prieber/Goldsmith moved to approve Resolution No. 679, providing a schedule of fees for permits and services provided by Penn Township. Motion carried.

Commissioners Prieber/Goldsmith moved for the adoption of the restated police pension plan document effective January 1, 2008. Motion carried.

Public Works Committee -Commissioner Goldsmith

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

Health & Sanitation – Commissioner Rewa

Commissioners Rewa/Goldsmith moved to adopt Resolution No. 680, revising the official sewage facilities plan by including the Gateway Hanover subdivision plan. Motion carried.

Commissioners Rewa/Goldsmith moved to authorize the preparation of an agreement with CET Engineering to begin design on the Waste Water Treatment Plant upgrade. Motion carried.

Commissioners Rewa/Goldsmith moved to authorize the Township to begin the collection of commercial cardboard. Motion carried.

Commissioners Rewa/Goldsmith moved to adopt Resolution No. 681, authorizing the appeal of the final NPDES sewer discharge permit. Motion carried.

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

OLD BUSINESS: None.

NEW BUSINESS: None.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

QUESTIONS FROM THE PRESS FOR THE COMMISSIONERS:

There was no one present from the Press.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Prieber/Goldsmith moved for adjournment at approximately 7:19 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary