

**MINUTES  
BOARD OF COMMISSIONERS' PUBLIC MEETING  
APRIL 4, 2006**

The Penn Township Board of Commissioners met in a special session on Tuesday, April 4, 2006 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, Felix, Stauffer and Heilman. Commissioner Johnson was absent with notice. Also present were Manager Garvick, Engineer Bortner and Highway Foreman Mahan.

President Klunk announced that prior to the public meeting this evening, the Board of Commissioners convened in an executive session to interview candidates for the Civil Service Commission and the Planning Commission.

On Monday, March 20, 2006 the following bids were opened and publicly read aloud by LSC Design for the construction of a Public Works Facility:

**GENERAL CONTRACTOR**

<u>BIDDER</u>	<u>BID AMOUNT</u>
Conewago Enterprises, Inc. 660 Edgegrove Road P.O. Box 407 Hanover, PA 17331	\$2,341,567
Markey Builders Inc. 1732 West King Street York, PA 17404	\$2,657,000
Hoffheins Brothers, Inc. 639 Frederick Street Hanover, PA 17331	\$2,310,800
Penncrest Construction Corporation 2316 Dairy Road Lancaster, PA 17601	\$2,341,000
Keystruct Construction Inc. 30 Marianne Drive York, PA 17402	\$2,334,790

**ELECTRICAL BID**

<u>BIDDER</u>	<u>BID AMOUNT</u>
Gettle Inc. 2745 Blackbridge Road York, PA 17402	\$320,223

Monacacy Valley Electric, Inc.                    \$278,700  
1925 Frederick Pike  
Littlestown, PA 17340

CV Services, Inc.                                    \$297,000  
10 North Frederick Street  
Mechanicsburg, PA 17055

Cromer's Electric, Inc.                         \$279,500  
2640 Baltimore Pike  
Hanover, PA 17331

HVAC BID

BIDDER     BID AMOUNT

Eshenaur's Fuels, Inc.                            \$146,600  
200 South 41<sup>st</sup> Street  
Harrisburg, PA 17111

Williams Service Company                      \$116,800  
1760 Sixth Avenue  
York, PA 17403

Davidson H & C Company                        \$217,000  
425 Broadway  
Hanover, PA 17331

PLUMBING BID

BIDDER     BID AMOUNT

Carl E. Frantz, Inc.                                \$263,520  
3701 Chambersburg Road  
Biglerville, PA 17307

Davidson H & C Company                        \$290,000  
425 Broadway  
Hanover, PA 17331

Commissioners Felix/Stauffer moved to award the Public Works Facility general contractor bid to Hoffheins Brothers Inc. for a bid price of \$2,310,800. Motion carried.

Commissioners Felix/Stauffer moved to award the Public Works Facility electrical bid to Monacacy Valley Electrical for a bid price of \$278,700. Motion carried.

Commissioners Felix/Stauffer moved to award the Public Works Facility HVAC bid to Williams Service Company for a bid price of \$116,800. Motion carried.

Commissioners Felix/Stauffer moved to award the Public Works Facility Plumbing bid to Carl E. Frantz, Inc. for a bid price of \$263,520. Motion carried.

There being no further business to come before the Board, Commissioners Stauffer/Felix moved for adjournment at approximately 7:04 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers  
Township Secretary

**MINUTES  
BOARD OF COMMISSIONERS' PUBLIC MEETING  
APRIL 17, 2006**

**CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:**

The Penn Township Board of Commissioners met in a regular session on Monday, April 17, 2006 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, Felix, Stauffer, Johnson 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.

**PERSONS TO BE HEARD/CITIZENS COMMENTS:** None

**APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETINGS:**

The minutes of the March 20, 2006 and April 4, 2006 meetings of the Board of Commissioners were approved as submitted.

**PUBLIC HEARING:**

The Board of Commissioners held a public hearing to consider the transfer of a restaurant liquor license owned by the Carlisle Street Tavern in the Borough of Hanover to El Rodeo of Hanover, Inc., into the Township of Penn. The hearing was publicly advertised in the Hanover Evening Sun.

Manager Garvick presented information regarding the application for transfer and the property. He reported that he had received a request from Steve C. Nicholas, attorney for El Rodeo of Hanover, Inc to transfer retail restaurant liquor license #R-18416 to the Township of Penn for use at 1130 Carlisle Street, Hanover, location of El Rodeo Restaurant.

Pursuant to PA Act 141 of 2000, the applicant must receive permission from the receiving municipality prior to filing application with the Pennsylvania Liquor Control Board (PLCB).

The applicant – EL Rodeo of Hanover has been operating as a restaurant since July of 2005. The building, located in the highway business zone, has an extensive history as a commercial food establishment. It was the site of Roy Rogers restaurant and prior to that the site of a Boston Market Restaurant.

The highway business zone allows the type of use requested by El Rodeo of Hanover, that is, operation of an eating and drinking establishment. According to the approved building plan, the seating arrangements were such that additional bar seating was anticipated and included in the existing facility. The addition of a restaurant liquor license will not require any additional parking to be provided.

Act 141 requires that the receiving municipality render a decision within 45 days of the original request (which was dated March 21, 2006). At this time Manager Garvick concluded his remarks and Attorney Steve Nicholas made a presentation on behalf of the petitioners.

Mr. Nicholas stated he is the attorney for the applicant, El Rodeo of Hanover, Inc. Along with Mr. Nicholas were Vidal Bravo, President, of the Company and Jose M. Trejo, Jr., Secretary and Treasurer. Both individuals are stakeholders and owners of the Company.

Mr. Nicholas stated that this is the first step in the request to transfer the liquor license. They are asking for permission to transfer Retail Restaurant Liquor License R-18416 to Penn Township. The license is currently owned by a company known as Carlisle Street Tavern, Inc and is issued for use in the Borough of Hanover at 609 Carlisle Street. The property in the Township is located at 1130 Carlisle Street. The property has been owned since March 2002 by Arellano, Trejo, Bravo and Arellano, a Pennsylvania partnership comprised of Mr. Nicholas's clients.

He stated that upon approval by the Township, the second step is the filing of the transfer applications and supporting documents with the PLCB. Once both steps are approved, this license cannot be moved to a location outside of Penn Township for a period of five years. The second step of the process consists of the filing of the actual transfer documents with the PLCB. The applicant will be required to post the property with a PLCB bright orange notice from the date the application is filed until the PLCB renders a final decision on the request to transfer.

During the process the PLCB conducts a stringent investigation to insure that the applicants are individuals of good moral character and have the financial ability to properly conduct the business.

The following individuals have ownership in the company:

Vidal Bravo, Camp Hill, PA, President of Company, Jose M. Trejo, Jr., Mechanicsburg, PA, Secretary and Treasurer, Jesus B. Arellano, President and founder of the company, Troutville, VA, Elijo Arellano, Roanoke, VA, Monica A. Trejo, Mechanicsburg, PA. All the owners are related to the founder Jesus B. Arellano. The family has operated restaurants in Central Pennsylvania since 1991. They have the

experience to operate a licensed restaurant in a responsible manner. Mr. Nicholas stated that the family currently has six restaurants in Pennsylvania which are licensed by the PLCB. These restaurants are located in Mechanicsburg, York, Harrisburg, Carlisle, and Lancaster. A seventh location has been approved by the PLCB in Harrisburg but it is still under construction. The owners also have an eighth location in Lemoyne which does not have a liquor license because Lemoyne Borough prohibits retail liquor sales. The owners have locations in Virginia, Ohio and Kentucky. None of the owners of this company have ever been charged, arrested, or convicted of any crimes.

The liquor code requires that the premises must have an area of at least 400 square feet. The facility at 1130 Carlisle Street is 1681 square feet. The restaurant can seat approximately 100 patrons. The bar will be used for the restaurant and for those patrons waiting to dine.

The property has 68 parking spaces. The PLCB also requires that a fulltime manager, approved by the PLCB, oversee the entire operation.

The owners of the restaurant also require that all individuals serving alcohol be certified in RAMP (Responsible Alcohol Management Program). This program teaches servers how to detect if someone should or should not be served alcohol due to intoxication and how to determine if someone is of legal drinking age.

Mr. Nichols went on to state that in fifteen years of continuous operation of licensed restaurants in Pennsylvania, the liquor board has never threatened to close any of the licensed restaurants operated by El Rodeo for violations of liquor laws, health laws, or because the restaurants are operated in a loud and disorderly manner, or for any other reason.

Mr. Nichols stated that it will not be operated as a night club and there is no dancing and the only live entertainment is provided on special occasions featuring a mariachi band that goes from table to table entertaining customers.

He stated that the ratio of food sales to alcohol sales is 90% to 10%. The restaurant is opened Monday thru Thursday 11:00 a.m. to 10:00 p.m., Friday and Saturday 11:00 a.m. to 10:30 p.m. and Sunday 11:00 a.m. to 9:00 p.m. He also distributed menus.

Mr. Nichols stated that there are no residences within 500 feet of this restaurant; there are no other restaurants serving alcohol within 200 feet; and there are no schools, playgrounds, churches, or hospitals within 300 feet of the restaurant. These are requirements of the PLCB.

The Commissioners asked questions regarding any police responses since the business was opened. Police Chief Gilbert stated that most of the calls have been on the parking lot for fender benders.

There were no general public comments about the transfer.

Commissioners Felix/Johnson moved to adopt Resolution Number 631, approving the transfer of a restaurant liquor license into the Township of Penn from the Borough of Hanover. Motion carried.

**TOWNSHIP REPORTS - STANDING COMMITTEES:**

Finance Committee - Commissioner Heilman

Commissioners Heilman/Johnson moved to approve Township Warrants in the amount of \$834,653.87. Motion carried with Commissioner Klunk abstaining from warrants for vendor number 60.

Commissioners Heilman/Johnson moved to approve a request dated March 14, 2006 from the Boy Scouts of America Troop 110 for a waiver of the sign permit fee to advertise their mulch sale on April 22, 2006. Motion carried.

Commissioners Heilman/Johnson moved to approve a request to waive the Township filing fee for the Hanover Packaging and Hawk Creek Laboratory subdivisions. Motion carried.

Personnel Committee - Commissioner Heilman

Commissioners Heilman/Stauffer moved to appoint Paul McAndrew to an unexpired term on the Civil Service Commission, said term to expire August 2006. Motion carried.

Commissioners Heilman/Stauffer moved to appoint Gary LeFevre to a term on the Penn Township Planning Commission, said term to expire May 2010. Motion carried.

Commissioners Heilman/Stauffer moved to appoint Cory Wetzel to an unexpired term on the Penn Township Plumbing Board, said term to expire May, 2009. Motion carried.

Commissioners Heilman/Stauffer moved for the appointment of Officer Robert Gaylord from probationary officer to regular status. Motion carried.

Public Works Committee - Commissioner Johnson

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

On Tuesday, April 11, 2006 the following bids were opened and publicly read aloud by Township Manager Jeffrey Garvick for the 2006 paving projects:

<u>Bidder</u>	<u>Bid Amount</u>
Henson Paving Co. 525 N. Wilson Avenue Hanover, PA 17331	\$91,775.70
Stewart & Tate, Inc. 950 Smile Way York, PA 17404	\$53,755.50
Kinsley Construction 2700 Water Street P.O. Box 2886 York, PA 17405	\$68,157.00

Commissioners Johnson/Felix moved to award the 2006 paving bids to Stewart and Tate, Inc. for a bid price of \$53,755.50. Motion carried.

Planning & Recreation Committee – Commissioner Johnson

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

There were no subdivision and land development plans submitted for formal filing.

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

- P05-25 – El Greco Street Subdivision
  - P06-02 – McClarin Plastics
  - P06-03 – Eisenhower Shopping Village
  - P06-04 – Manor Street Final Subdivision
- Motion carried.

Commissioners Johnson/Felix moved to approve the following extension requests that will expire on July 17, 2006:

- P03-03 – Bowman Tract Apartments
  - P03-15 – Pine Brook Development
  - P03-23 – John and Martha Halter
  - P03-29 – Bon Ton Builders
  - P04-04 – Dave Humbert and Jack Cook
  - P04-25 – South Heights
  - P04-26 – Stonewicke
  - P05-12 – Baxter Investment Group, Inc.
  - P05-21 – Hillside Medical Center
  - P06-01 – Burkentine South
- Motion Carried.

Commissioners Johnson/Felix moved to approve a request dated February 14, 2006 from the South Western School District for exoneration from a land development plan to add a 12' x 38' addition to an existing building. Motion carried.

Commissioners Johnson/Felix moved to approve a request dated January 23, 2006 from the Homewood Retirement Center for exoneration from a land development plan to add forty parking spaces to their Community Center parking lot. Motion carried.

Health & Sanitation – Commissioner Felix

Commissioners Felix/Stauffer moved to adopt Resolution No. 632 revising the official sewage facilities plan by including the High Pointe at Rojen Farms, West Manheim Township Phase II subdivision. Motion carried.

Commissioners Felix/Stauffer moved to adopt Resolution No. 633 revising the official sewage facilities plan by including the Brookside Heights subdivision. Motion carried.

Commissioners Felix/Stauffer moved to adopt Resolution No. 634 revising the official sewage facilities plan by including the Pinebrooke subdivision. Motion carried.

Public Safety Committee - Commissioner Stauffer

Commissioner Stauffer had nothing to report.

**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:** None.

**ADJOURNMENT:**

There being no further business to come before the Board, Commissioners Stauffer/Heilman moved for adjournment at approximately 7:27 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers  
Township Secretary