

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
APRIL 16, 2007**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, April 16, 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.

PERSONS TO BE HEARD/CITIZENS COMMENTS:

Dana Heston, 823 York Street, questioned the Commissioners as to whether or not they are intending to take her property by eminent domain. The Commissioners listened to her comments but offered no response.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

The minutes of March 19, 2007 meeting of the Board of Commissioners were approved as presented.

PUBLIC HEARING:

Commissioner Klunk announced that the purpose of the public hearing is to consider amending the Penn Township Zoning Ordinance by including animal hospitals as a Use By Special Exception in the Shopping/Commercial and Industrial zones along with additions to the Ordinance of Definitions and changes in the administration of permits. The public hearing was properly advertised in the Hanover Evening Sun.

Zoning Officer John Menges stated that on April 3, 2007 the York County Planning Commission reviewed the proposed amendments to the Township's Zoning Ordinance. The proposed amendments include the addition of "Animal Hospital" as a

Special Exception use in the Shopping/Commercial and Industrial zones and to revise criteria and terminology pertaining to building permits and zoning permits. Zoning Officer Menges stated, “the staff of the York County Planning Commission recommends that the proposed amendment to the Penn Township Zoning Ordinance be adopted as proposed. The proposed addition of “Animal Hospital” as a Special Exception use in the Shopping/Commercial (S/C) and Industrial (I) Zones is consistent with other similar uses (hospital and child care center, for example) permitted in those zones. The existing Special Exception criteria offers buffering, fencing, landscaping, etc. to protect adjoining uses. The remainder of the proposed amendment is being made to provide appropriate terminology and revisions in the zoning regulations in accordance with the Uniform Construction Code.”

The second amendment is to the Ordinance of Definitions. The Township’s Ordinance of Definitions includes definitions for all the Township’s Ordinances. The amendment includes the additions of definitions for code official, rolloff dumpster and temporary portable storage unit. The Code Official is defined as “also referred to as “Inspector.” The Code Official is an individual authorized to enforce the provisions of the Uniform Construction Code (UCC) as well as any other code(s) for which he is duly certified and authorized by the Township to enforce. Also issues appropriate permits.” The rolloff dumpster is defined as “a metal storage receptacle used primarily for the temporary storage or deposit of waste materials, including debris, trash, or construction, renovation or demolition waste, and which is transportable such as to be delivered by, rolled off of, and picked up by, a carrying vehicle that allows for the disposal and removal of its contents to a dump site. The term does not include dumpsters which are permanently placed for the collection of normal household trash, such as at commercial locations or apartment complexes.” The Temporary Portable Storage Unit is defined as “commonly known as “portable on demand storage” or “PODS”. Any mobile container, storage unit, shed like container or other portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that is not permanently affixed to the land; is designed for temporary short term storage; is not intended for human habitation; that can or is used for the storage of personal property of any kind; and which is located for such purposed outside an enclosed building.” The definition of temporary portable storage unit definition was amended following review by the Penn Township Planning Commission. Zoning Officer Menges stated, “the staff of the York County Planning Commission recommends that the proposed amendment to the Penn Township Ordinance of Definition to add three (3) new definitions be adopted as proposed, with the exception noted below. The term “Code Official” is utilized by the Uniform Construction Code and is adequately defined. “Rolloff Dumpster” and “Temporary Portable Storage Unit” are new terms recently added to the zoning ordinances of a number of municipalities to address these new uses. The proposed definitions clearly describe the terms, and are also very similar to those recently adopted by those municipalities. Township Officials should consult legal council in regard to the use of the acronym “PODS” within the definition of temporary portable storage unit. It could be viewed as a trademark infringement, since “PODS” is the name of a national company and servicing these units.”

Commissioners Heilman/Johnson moved to authorize the Township Manger to prepare and advertize an ordinance for the adoption of the proposed zoning amendment changes along with the Ordinance of Definitions with the exclusion of the term "PODS". The motion was amended to have the Solicitor review the legality of the use of the term of "PODS," in the ordinance. Motion carried.

At this point, President Klunk concluded the Public Hearing.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Finance Committee - Commissioner Heilman

Commissioners Heilman/Johnson moved to approve Township Warrants in the amount of \$760,892.47. Commissioner Klunk abstained from warrants for vendor #60. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated March 13, 2007 from Boy Scout Troop 110 for a waiver of the sign permit fee for a mulch sale on April 28, 2007. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated March 18, 2007 from the Hanover Moose Lodge #227 for a waiver of the permit fees for a car show on July 22, 2007. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated March 26, 2007 from the Hanover Area Jaycees for a waiver of the sign permit fees to advertise a car show on June 9, 2007. Motion carried.

Personnel Committee - Commissioner Heilman

Commissioners Heilman/Stauffer moved to appoint Richard Bradburn to an unexpired term on the Penn Township Civil Service Commission, said term to expire August 2010. Motion carried.

Commissioners Heilman/Stauffer moved to authorize the Township Solicitor to execute a Memorandum of Agreement on behalf of the Township of Penn with the Pennsylvania Labor Relations Board regarding an election for the purpose of establishing a collective bargaining unit under the auspices of the International Association of Firefighters Local 2045. Motion carried.

Public Works Committee - Commissioner Johnson

Engineer's Bortner stated that the recommended approval of P07-09 L T Timber should be changed to "tabled" on his report.

On Monday, April 16, 2007 the following bids were opened and publicly read aloud by Township Manager Jeffrey Garvick for the 2007 paving projects:

<u>Bidder</u>	<u>Bid Amount</u>
Henson Paving Company 525 N. Wilson Avenue Hanover, PA 17331	\$69,330.50
Stewart & Tate Inc. 950 Smile Way York, PA 17404	\$59,431.00
Kinsley Construction 2700 Water Street P.O. Box 2886 York, PA 17405	\$57,907.10
C.E. Williams, Inc 1141 Highland Avenue Gettysburg, PA 17325	\$64,091.50

Commissioners Johnson/Felix moved to award the 2007 paving bids to Kinsley Construction, Inc., York, PA for a bid price of \$57,907.10. Motion carried.

Commissioners Johnson/Felix moved to adopt Ordinance No. 660, laying out and adopting as public roads Thornhill Drive and Drummond Lane. Motion carried 5-0 on a roll call vote.

Planning & Recreation Committee – Commissioner Johnson

Zoning Officer Menges stated that L T Timber should be withdrawn for approval.

Commissioners Johnson/Felix moved to approve a request dated March 14, 2007 from Crown Cork and Seal for a waiver of the land development requirements for a concrete pad. Motion carried.

Commissioners Johnson/Felix moved to deny a request dated April 5, 2007 from National Barn Company for a waiver of road improvements for the L.T. Timber Land Development plan. They further moved that L.T. Timber be required to install the following improvements: the road widening, driveway access improvements, and curbing and radius where required.

The following subdivision and land development plans were formally filed:

- P07-10 – 735 Frederick Street Land Development Plan
- P07-11 – South Heights Manor, L.P.
- P07-12 – Phase I - Avion

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

P04-04 – Dave Humbert & Jack Cook
P07-08 – Sheridan Press
Motion carried.

Commissioners Johnson/Felix moved to approve the following extension requests that will expire on June 18, 2007:

P02-28 – Carlisle Crossing
Motion carried.

Commissioners Johnson/Felix moved to approve the following extension requests that will expire on July 16, 2007:

P03-03 – Bowman Tract Apartments
P03-15 – Pine Brook Development
P03-23 – John & Martha Halter
P04-25 – South Heights
P04-26 – Stonewicke
P05-04 – 21 Industrial Drive
P05-21 – Hillside Medical Center
P06-23 – Brookside Avenue Townhouses
P07-03 – Penn Township Fire Department
Motion carried.

Commissioners Johnson/Felix moved for the acceptance of withdrawal at the request of the developer of P03-29 – Bon Ton Builders and replaced with P07-10 – 735 Frederick Street Land Development Plan.

Health & Sanitation – Commissioner Felix

On Monday, April 16, 2007 the following bids were opened and publicly read aloud by Township Manager Jeffrey R. Garvick for refuse units:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Dyna Pak Corporation 112 Helton Drive Lawrenceburg, TN 38464	#1 \$189.32/1,000 Units #2 No bid
Central Poly Corporation 18 Donaldson Place Linden, NJ 07036	#1 \$210/1,000 Units #2 No bid
Phoenix Recycling 5180 Horry Drive, Suite B Murrells Inlet, SC 29576	#1 \$210/1,000 Units #2 \$210/1,000 Units

Commissioners Felix/Stauffer moved to award the refuse unit bid to Dyna Pak

Corporation, Lawrenceburg, TN for a bid price of \$189.32 per 1,000 units. Motion carried.

Commissioners Felix/Stauffer moved to adopt Ordinance No. 661, approving the plan of construction of sanitary collection sewers for Thornhill Drive and Drummond Lane with designated rights of way. Motion carried on a 5-0 roll call vote.

Commissioners Felix/Stauffer moved to adopt Resolution No. 661, revising the official sewage facilities plan by including the Martin's Ridge Subdivision Plan. Motion carried.

Commissioner Klunk reported that electronics recycling held on April 14, 2007 was a tremendous success. Manager Garvick reported that the Township collected about 140 gaylords worth of equipment.

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:

Commissioners Johnson/Felix moved to approve Student Government Day for May 23, 2007. Motion carried.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None.

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 7:24 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary