

**MINUTES  
BOARD OF COMMISSIONERS' PUBLIC MEETING  
APRIL 18, 2011**

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

The Penn Township Board of Commissioners met in a regular session on Monday, April 18, 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.

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

The minutes of the March 21, 2011 and April 4, 2011 meetings of the Board of Commissioners were approved as submitted.

**PERSONS TO BE HEARD/CITIZENS COMMENTS:**

Bob Garrett, 18 Rosewood Circle, stated that he made a written complaint about two trailers parked at 116 and 120 Timber Lane. One of the trailers has been moved and the other has not. Mr. Garrett wanted to know why the property owner has not been required to move the other trailer. Manager Garvick informed the Board that he had spoken with Mr. Garrett on several occasions about the situation. He informed Mr. Garrett that the Board was considering an amendment to the zoning ordinance that would allow corner lots to more easily store campers, R.V.'s and other vehicles. The Board will take up the issue at the next Public Works Committee meeting on May 3<sup>rd</sup>. The public is invited to the meeting.

**PRESENTATION OF DONATION FROM FRATERNAL ORDER OF EAGLES #1406:**

On behalf of the Penn Township Board of Commissioners, President Prieber accepted a \$5,000 donation from Nevin Baumgardner, representing the Hanover Eagles Aerie 1406. President Prieber also accepted a \$500 donation from the Eagle Riders of Hanover and Penn Township. The funds are to be used for the Penn Township Child Abuse Prevention program.

**PUBLIC HEARING FOR LIQUOR LICENSE TRANSFER:**

Commissioner Prieber stated that the purpose of the public hearing is to consider the transfer of a restaurant liquor license owned by Kostas, Inc. d/b/a Gus' Place from York City to RARE Hospitality International, Inc. d/b/a LongHorn Steakhouse in the Township of Penn. The hearing has been publicly advertised in the Hanover Evening Sun.

Manager Garvick stated that The Township received a request dated April 1, 2011 from attorney Mark Kozar, Flaherty & O'Hara, representing Rare Hospitality International, Inc., whose parent corporation, Darden Restaurants, is the owner of the LongHorn Steakhouse Restaurant chain.

Darden Restaurants will be constructing a LongHorn Steakhouse 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.

Licenses are provided to municipalities by the PLCB 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. The license being requested for transfer in this case would be coming from the City of York.

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, Manager Garvick indicated that a Resolution has been prepared for adoption that authorizes the transfer.

Mark Kozar, Flaherty & O'Hara, and Cindy Yi, Rare Hospitality, represented the request for the transfer of a liquor license for use at 20 Wilson Avenue in Penn Township. Mr. Kozar stated that RARE Hospitality is part of Darden Restaurants whose stock is publicly traded on the New York Stock Exchange, the restaurant will seat 242 customers, will be 6,225 square feet, employ about 100 people, will operate 11 a.m. to 10 p.m. Sunday thru Thursday, and 11 a.m. to 11 p.m. on Friday and Saturday. Alcohol sales will compliment the food sales, and Longhorn Steakhouse has an extensive alcohol awareness training program for its employees. Mr. Kozar also presented pictures of the proposed restaurant's interior and exterior.

There were no public officials or general public comment.

Commissioners Felix/Goldsmith moved to adopt Resolution No. 759 approving transfer of a restaurant liquor license into the Township of Penn from the City of York. Motion carried.

**YORK COUNTY CONVENTION CENTER**

Anne Druck, from the York County Convention and Visitors Bureau, made a presentation

about the convention center and what the visitor's bureau does within York County. She stated they provide support to the Hanover Chamber of Commerce promoting tourism in the area and also works with local groups such as the YMCA and Hanover Bowling Center to bring sporting events to the area. They are working with Hanover Fire Commissioner Roth to bring the Can AM Fire and Police games to York County in 2014. Ms. Druck left the Commissioners with additional information about the bureau and upcoming events they are sponsoring.

### **TOWNSHIP REPORTS - STANDING COMMITTEES:**

#### **Public Safety Committee - Commissioner Felix:**

Commissioner Felix had nothing to report.

#### **Personnel Committee - Commissioner Heilman:**

Commissioners Heilman/Goldsmith moved to appoint Andrew Zimmerman as a student intern for the police department for the summer of 2011. Motion carried.

#### **Finance Committee – Commissioner Heilman:**

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$2,102,711.89. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 758 setting the rate of pay and benefits for the Fire Chief for the remainder of 2011. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated March 8, 2011 from the South Western Dollars for Scholars program for a waiver of the sign permit fee to advertise their Make A Difference week from April 10 through April 16. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated March 10, 2011 from the Hanover Lions Club for a waiver of the sign permit fee to advertise their chicken barbeque on May 21, 2011. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated March 17, 2011 from the Jefferson Carnival, Inc. for a waiver of the sign permit fee to advertise their annual carnival being held July 11 through July 16. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated March 23, 2011 from the Hanover Moose Lodge for a waiver of the sign permit fee to advertise their annual car show being held June 11, 2011. Motion carried with Commissioner Prieber abstaining.

Commissioners Heilman/Goldsmith moved to approve a request dated April 1, 2011 from the South Western Band Boosters for a waiver of the sign permit fee to advertise a chicken barbeque on April 30, 2011. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 760 re-approving the liquor license transfer for the Olive Garden Restaurant. Motion carried.

Public Works Committee – Commissioner Goldsmith:

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

Commissioners Goldsmith/Rewa moved to appoint Interstate Acquisition Services as the Township's right of way consultants for the Center Street Project. Motion carried.

Planning & Recreation Committee – Commissioner Felix:

Commissioners Felix/Goldsmith moved to approve a request dated March 11, 2011 from GHI Engineering for a variance to the subdivision and land development ordinance for two lots in the High Pointe subdivision that do not meet the lot depth/width ratio. Motion carried.

Commissioners Felix/Goldsmith moved to approve a request dated April 11, 2011 from Community Aid for a variance to the temporary sign ordinance to allow the placement of two temporary signs for a period of 60 days. Motion carried.

Commissioners Felix/Goldsmith moved to deny a request dated April 6, 2011 from Hanover Land Services for a waiver of the land development requirements for the Hanover Fraternal Order of Eagles. Motion carried.

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

The following subdivision and land development plans were formally filed:

P11-06 – Hanover Fraternal Order of the Eagles Parking Lot Addition

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

P11-04 – Sheppard & Myers Stadium  
Motion carried.

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on July 18, 2011:

P03-03 – Bowman Tract Apartments  
P04-25 – South Heights  
P04-26 – Stonewicke  
P06-23 – Brookside Avenue Townhouses  
P07-27 – Sterling Brown  
P08-20 – Park Hills Manor  
P10-12 – York Village Apartments, LCL  
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 7:24 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers  
Township Secretary

