

**MINUTES  
BOARD OF COMMISSIONERS' PUBLIC MEETING  
JUNE 20, 2011**

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

The Penn Township Board of Commissioners met in a regular session on Monday, June 20, 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 May 16, 2011 meeting of the Board of Commissioners were approved as submitted.

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

**TOWNSHIP REPORTS - STANDING COMMITTEES:**

**Public Safety Committee - Commissioner Felix:**

Commissioners Felix/Goldsmith moved to approve a request dated May 9, 2011 from the West Manheim Township Supervisors for the use of Penn Township's Fire Police for the Pleasant Hill Carnival. Motion unanimously carried.

**Personnel Committee - Commissioner Heilman:**

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 762 confirming the appointment of I. David Colgan to the Penn Township Zoning Hearing Board effective May 16, 2011. Motion unanimously carried.

**Finance Committee – Commissioner Heilman:**

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$2,547,107.91. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to approve a request dated May 16, 2011 from the Penn Township Lions Club for a waiver of the sign permit fee to advertise their chicken barbeque on June 11, 2011. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 763 appointing Rager, Lehman and Houck, P.C. as the Township Auditor for 2011. Motion unanimously carried.

Public Works Committee – Commissioner Goldsmith:

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

Commissioners Goldsmith/Rewa moved to approve the proposal from C.S. Davidson, Inc. dated May 12, 2011 authorizing design of repairs to the Karen Lane Bridge for a cost not to exceed \$3,250. Motion unanimously carried.

Planning & Recreation Committee – Commissioner Felix:

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

The following subdivision and land development plans were formally filed:

- P11-08 – Walter J. & Mary Lois Danner
- P11-09 – Aquaphoenix Scientific

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on September 19, 2011:

- P09 -10 - American Home Contractors LLC
  - P11 -05 - Lot 108-High Pointe North
- Motion unanimously carried.

Commissioners Felix/Goldsmith moved to withdraw the following plan at the request of the applicant:

- P10-17 – South Western School District Breezewood Drive Subdivision
- Motion unanimously carried.

Health & Sanitation – Commissioner Rewa:

Commissioners Rewa/Goldsmith moved to adopt Resolution No. 764 revising the official sewage facilities plan by including the Walter J. & Mary Lois Danner Plan. Motion unanimously carried.

On Thursday, June 2, 2011, the following bids were opened and publicly read aloud for the main interceptor replacement project:

Bidder	Bid Amount
J. A Myers Inc.	\$2,983,169.50
Marks Contracting, Inc.	\$2,345,669.00
Mazzuca Enterprises, Inc.	\$2,867,041.50
Michael F. Ronca & Sons, Inc.	\$3,773,000.00
Rogele, Inc.	\$2,884.810.00

Commissioners Rewa/Goldsmith moved to award the sanitary sewer interceptor replacement project bid to Marks Contracting, LTD for a bid price of \$2,345,669. Motion unanimously carried.

Commissioners Rewa/Goldsmith moved to approve the WWTP upgrade change orders recommended by CET, Inc. in the amount of \$49,001. Motion carried with Commissioners Heilman casting a dissenting vote.

**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:**

Mr. Barry Hamed addressed the commissioners regarding his business, A2Z Auto Sales, 966 York St. Mr. Hamed submitted a sign permit application in order to construct pole flag signs at his business. The zoning officer denied the request as the square footage of the flags exceeded the allowable limit.

Mr. Hamed believes he is the victim of targeted enforcement and presented the commissioners with photographs of other locations that, in his opinion, constitute violations. The photographs were inspected and discussion ensued regarding several of them. Mr. Hamed indicated he is contemplating legal action against the Township. He further indicated that he will certainly win any lawsuit brought against Penn Township as the township staff is harassing and discriminating against him with things like fire code inspections, building code inspections and zoning regulations.

The Commissioners informed Mr. Hamed that the code officers are expected to pursue violations whenever they are made aware of them but they don’t always find every violation.

**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 7:35 P.M. Motion unanimously carried.

Respectively submitted,

Jeffrey R. Garvick  
Township Manager